

eTHEKWINI MUNICIPALITY: WATER BY-LAW, 2022



Adopted by Council on the: 30 March 2023

WATER BY-LAW, 2022

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

PREAMBLE

WHEREAS the Municipality recognises that water is a basic human need, plants and animals to survive, and that water is necessary for social and economic development, to create jobs, for recreation and for health, religious and spiritual purposes;

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

WHEREAS the Municipality recognises—

- (a) the need to regulate access to water services in an equitable way, taking into account financial, technological, socio-economic and conservation factors;
- (b) the duty of customers to pay reasonable charges for the supply of water;
- (c) the right of the water services authority to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services;
- (d) the need to manage the conflict between different uses and users in different catchments;

- (e) the need to develop sustainable means of providing access to water services to those who are still without such access;
- (f) the need to maintain and improve services already supplied in a sustainable manner;
- (g) the need to provide various measures to assist those who are economically unable to meet normal water service charges; and
- (h) the need to provide water services in support of all forms of economic development and to carry out the above in a manner which supports the preservation of impacted ecosystems;

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

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

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

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

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

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CHAPTER 1 INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise –

"approved" means approved by the Municipality;

"authorised official" means a person authorised to implement the provisions of this By-law, including but not limited to –

(a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and

(c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

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

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

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

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

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

"combined installation" means a water installation used for firefighting and domestic, commercial or industrial purposes;

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

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

"compliance certificate" means a certificate issued on the prescribed form by the water inspectorate certifying that the installation work complies with this By-law and other required standards;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

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

"disinfection certificate" means a document which certifies that the process of disinfecting has been completed;

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

"dwelling unit" means accommodation intended for human habitation which has–

- (a) its own metered electricity supply;
- (b) its own exclusive entrance; and
- (c) a kitchen for the sole use of its residents;

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

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

"flow limiter" means an electronic device which allows for a normal flow rate but restricts the daily volume to a pre-set amount as determined by the Municipality;

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

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

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

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

"industrial purposes" in relation to the supply of water, means water supplied to premises which are used for the manufacturing, production, extraction, adaptation, alteration, renovation, repair, processing or servicing of any article or material and includes the use thereof–

- (a) as a factory;
- (b) by a building contractor for the storage of builder's material;
- (c) for the stacking, storing or preparation for resale of scrap material;
- (d) as a storage warehouse;
- (e) as an office, caretaker's flat if it is 100m² or less, or for any other purpose which is incidental to or reasonably necessary in connection with the use thereof as a factory, builder's yard or scrap yard,

but does not include the use of any land or building as a fuelling or service station;

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

"leak period" means either the metering period–

(a) immediately before the date on which a leak is repaired; or

(b) during which a leak is repaired,

: Provided that the leak period does not exceed 65 days;

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

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

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

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

"Municipal Manager" means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 (Act No. 32 of 2000) as the head of administration of the Municipal Council;

"Municipality" means the eThekweni Municipality, a category A Municipality as contemplated in section 155(1) of the Constitution;

"occupier" includes–

(a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and

(b) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

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

"owner" means—

(a) the person who is the registered owner of the premises as reflected on the deed of property in the relevant Deeds Office;

(b) where the registered owner of the premises is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her estate is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

(c) where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises;

(d) where such premises have been leased for a period of 30 years or longer, the lessee of the premises; or

(e) in relation to—

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

(ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

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

"premises" means any piece of land whose external surface boundaries are delineated on a—

(a) general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or

(b) sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

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

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

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

"registered contractor" means a person, company or any other business entity who is registered with the Municipality as an approved contractor in accordance with Chapter 7 of this By-law;

"responsible plumber" means a person who is registered with the Municipality as an approved plumber in accordance with Chapter 7 of this By-law;

"SABS" means the South African Bureau of Standards as defined in the Standards Act, 2008 (Act 8 of 2008);

"SANS" means the South African National Standard as approved by SABS in terms of the Standards Act, 2008 (Act No. 8 of 2008);

"SANS 6509 " means the South African National Standard requirements relating to the determination of dezincification of brass;

"SANS 241-1" means the National standard for drinking water;

"SANAS" means the South African National Accreditation System;

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

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

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

"Skills Development Act" means the Skills Development Act 97 of 1998;

"storage tank" means a tank forming part of a water installation and used for the storage of water, but excludes a–

- (a) cistern serving a water-closet pan or a urinal; and
- (b) tank used for the storage of hot water;

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

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and water fittings–

- (a) which are situated on any premises;
- (b) vested in the owner of the premises; and
- (c) used or intended to be used in connection with the use of water on the premises,

and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the Municipality;

"water services" means the supply of potable water and sundry services;

"Water Services Act" means the Water Services Act, 1997 (Act No.108 of 1997);

"Water Supply By-law of 1996" means the Durban Metropolitan Water Supply By-laws under Provincial Notice No. 104 of 1996, in Provincial Gazette No. 5157, dated 26 September 1996;

"water supply system" means the structures, aqueduct, pipes, valves, pumps, meters or other appurtenances relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

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

Interpretation of By-law

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

Object of By-law

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

- (a) ensures the efficient, affordable, economical and sustainable provision of water services taking into account financial, technological, socio-economic and conservation factors;
- (b) provides for the duty of–
 - (i) customers to pay reasonable charges; and
 - (ii) the Municipality to provide certain assistance to customers who are unable to meet normal service charges;
- (c) allows for the right of the Municipality to limit or discontinue the provision of water services in appropriate circumstances;
- (d) ensures the environment is protected for the benefit of present and future generations; and
- (e) complies with the Water Services Act.

Application of By-law

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

CHAPTER 2

LEVELS OF SUPPLY: HOUSEHOLDS AND INFORMAL SETTLEMENTS

Supply of potable water to households

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

- (a) a manually-operated water dispenser or standpipe;
- (b) an individual household yard supply where the flow is regulated through a metered flow limiter device;
- (c) a semi-pressure supply;
- (d) a full pressure supply;
- (e) a full pressure supply with a restrictor, such as a flow limiter; or
- (f) internal metering to individual units installed on private property and supplied through a bulk water meter installed outside the boundary or the installation of individual water connections, metered at a road boundary.

Temporary supply of water to informal settlements

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

(2) The water dispenser or standpipe contemplated in subsection (1) must either be located on the boundary of the settlement or, where it exists, along an established road or road reserve.

(3) Any deviation from subsection (2) must be at the discretion of the Head of Department.

CHAPTER 3

APPLICATION FOR SUPPLY OF WATER

Application for supply of water

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

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

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

- (a) referred to or stipulated in the application form; or
- (b) of the Municipality's approval.

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

Special agreements

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

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

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

Purpose of supply

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

Termination of agreement for supply of water

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

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

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

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

Provision of security

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

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

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

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

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

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

CHAPTER 4

PROVISIONS REGULATING SUPPLY OF WATER BY THE MUNICIPALITY

Unauthorised use of water

12. A person may not take water from the water supply system through any other means except through a communication pipe or from a hydrant.

Communication pipes

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

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

- (3) A communication pipe provided and installed by the Municipality must–
- (a) be located in a position determined by the Municipality; and
 - (b) terminate at a point between 140 and 160 millimetres inside the boundary of land owned by or vested in the Municipality or over which it has a servitude or other right.
- (4) The Municipality may provide and install a communication pipe of the size requested by the applicant, if any.
- (5) The owner of the premises must, at his or her own cost, effect the connection between his or her water installation and the communication pipe serving his or her premises, unless the Municipality directs otherwise.
- (6) The Municipality may specify–
- (a) the type of joint which must be used to connect to the connection pipe; and
 - (b) regarding the portion of the service pipe between the communication pipe and the owner's isolating valve, the–
 - (i) material of which this portion of service pipe is made; and
 - (ii) method of installation of this portion of service pipe.
- (7) The owner must secure the portion of the communication pipe and the owner's isolating valve against movement.
- (8) The Municipality may determine the number of communication pipes which may serve a water installation.
- (9) A water installation may be connected only to the communication pipe or pipes provided for it by the Municipality: Provided that if two or more parts of a water installation are served by separate communication pipes, the parts may not be interconnected without the prior written permission of the Municipality and are subject to such conditions as it may impose.

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

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

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

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

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

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

Interconnection between premises

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

Conditions of supply

15.(1) The granting of a supply of water by the Municipality does not constitute an undertaking by it to maintain at any time or at any point in its water supply system—

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

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

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

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

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

Cutting off and restricting

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

- (a) failed to pay a sum of money due to the Municipality in terms of this By-law or any other applicable By-law; or
- (b) committed a breach of this By-law and has failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so,

by written notice inform him or her of its intention to cut off or restrict his or her supply of water on a specified date and it may on or after that date so cut off or restrict such supply.

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

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

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

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

Interruption of supply at customer's request

17.(1) The Municipality may, at the written request of a customer—

- (a) turn off the supply of water to his or her premises; or
- (b) reinstate the supply,

on the dates requested by him or her.

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

Disconnection of water supply

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

- (a) agreement for supply has been terminated in terms of section 10 or 17 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 working days of such termination; or
- (b) building on the premises concerned has been demolished.

Metering of supplies

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

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

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

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

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

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

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

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

(e) make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.

(6) No person other than an authorised official may—

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

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

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

Quantity of water supplied to a customer

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

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

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

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

Water restrictions

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

- (a) prohibit or restrict the consumption or use of water—
 - (i) for specified purposes or any other purpose that the Municipality deems to be necessary;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner or any other manner that the Municipality deems necessary;
- (b) determine and impose—
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or nature of an appliance by means of which water is used or consumed or on the connection of such appliances to the water installation.

(2) The Municipality may limit the application of the provisions of a notice contemplated in subsection (1) to specified areas and classes of customers, premises and activities, and provide for and permit deviations and exemptions from, and relaxation of, any of the provisions on such grounds as it deems fit.

(3) The Municipality may—

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

been cut off it may only be reinstated when the prescribed charge for disconnecting and reconnecting the supply has been paid.

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

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

Special metering

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

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

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

CHAPTER 5
WATER SUPPLY TO HOUSING DEVELOPMENTS

Public participation

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

- (a) municipal housing projects;
- (b) sectional title developments;
- (c) mini sub-residential developments;
- (d) development approvals for the establishment of private townships; and
- (e) sub-divisions.

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

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

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

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

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

- (5) At the public meeting, the Municipality must–
- (a) present and explain the levels of water supply and applicable conditions;
 - (b) reasonably respond to any queries related to levels of water supply and applicable conditions;
 - (c) give interested and affected parties an opportunity to make comments and to lodge objections; and
 - (d) keep minutes of the meeting.
- (6) The Municipality must consider all objections or comments received from the public regarding levels of water supply and applicable conditions.
- (7) After having considered the comments and objections, the Council may, within a reasonable period from the commencement of the public participation process–
- (a) adopt the levels of water supply and applicable conditions;
 - (b) amend and adopt the levels of water supply and applicable conditions; or
 - (c) reject the levels of water supply and applicable conditions.
- (8) Notwithstanding the provisions of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the Council may not delegate the decision-making powers referred to in subsection (7).
- (9) If the Council adopts levels of water supply and applicable conditions, a notice must be published in the manner contemplated in subsection (3), as well as in the *Provincial Gazette*–
- (a) confirming that the levels of water supply and applicable conditions have been adopted;
 - (b) giving notice of the commencement date of the levels of water supply and applicable conditions;
 - (c) summarising the key aspects of the levels of water supply and applicable conditions; and
 - (d) confirming that levels of water supply and applicable conditions are available for inspection at a specified location and between specified hours.

Amendment, revocation and review of water supply levels

24. The Council–

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

Servitudes

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

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

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

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

CHAPTER 6

APPROVAL OF INSTALLATION WORK

Approval to be obtained for installation work to be done

26.(1) The Municipality may prescribe standards and requirements for water supply and drainage in buildings.

(2) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval: Provided that approval is not required for the repair of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(3) Application for the approval referred to in subsection (2) must be made on the prescribed form, and must be accompanied by the prescribed—

(a) charge; and

(b) number of copies of the drawings referred to in section 28 of this by-law of the proposed work.

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

(5) Approval given in terms of subsection (2) shall, subject to section 27, lapse after the expiry of a period of one year from the date on which the approval was granted.

Extension of period of approval

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

(a) for a period not exceeding twelve months at a time; and

(b) subject to such conditions as it deems fit.

Drawings

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

(a) indicate the nature and extent of the installation work to be done;

(b) be on sheets not smaller than A4 size; and

(c) contain the—

(i) title deed description of the premises;

(ii) name of every street on which the premises abuts; and

(iii) scales of the drawings and the north point.

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

- (a) the position and size of the existing and proposed communication pipe serving or to serve the premises;
- (b) the location of every pipe, its size and the material of which it is manufactured;
- (c) the location of every water fitting and its description;
- (d) the location of every storage tank and its capacity;
- (e) the location of every pump;
- (f) details of the proposed accommodation for the Municipality's meter if it is to be installed within the premises;
- (g) the pressure for which the installation has been designed;
- (h) the position of all overflows;
- (i) equipment or plant which uses water as a heat exchange medium for cooling or heating purposes which is or may be connected to a water installation; and
- (j) any other information that the Municipality may require.

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

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

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

Copies of drawings to be kept on site

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

Unauthorised work

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

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

CHAPTER 7**CONTROL OF INSTALLATION AND OTHER WORK****Persons permitted to do installation and other work**

31.(1) A person who is not a registered contractor, registered plumber or responsible plumber with the Municipality in terms of section 32 may not–

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

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

(3) The provisions of subsection (1) do not apply to a person acting in the course and scope of his employment as a responsible plumber.

(4) Notwithstanding the provisions of subsection (1), a person who, in terms of any law in force immediately prior to the commencement of this By-law, was authorised to do

the work described in subsection (1) may continue to do such work for a period not exceeding twelve months after the commencement of this By-law.

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

(a) such person is a responsible plumber and must make application in the prescribed form for permission and pay the prescribed charge; and

(b) the work must, on completion, be inspected and tested by an authorised official or a registered contractor and may not be put into use until it has passed the test and the compliance certificate referred to in section 38(1)(d) has been issued.

Registration of contractors

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

(2) An applicant who seeks registration as a contractor must—

(a) be a person who—

(i) is registered in terms of this By-law as a responsible plumber in accordance with section 33;

(ii) employs on a full-time basis a person registered as a responsible plumber; and

(iii) conducts his or her business from premises satisfactory to the Municipality; and

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

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

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

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

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

Registration of responsible plumbers

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

(2) An applicant for registration as a responsible plumber must—

- (a) have a plumber trade qualification under Section 26(D)(4) of the Skills Development Act, 1998;
- (b) have not less than five years practical experience in installation work obtained after achieving the qualifications referred to in paragraph (a); and
- (c) provide proof satisfactory to the Municipality as to his or her knowledge of the provisions of this By-law.

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

- (a) be lodged with the Municipality before 1 December; and
- (b) be accompanied by the prescribed charge,

: Provided that if such registration takes place on or after 1 November in any year, it expires on 31 December of the following year.

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

Registration certificates

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

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

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

(4) A registration certificate must–

(a) be issued without alteration; and

(b) at the request of an authorised official, be produced to him or her by the holder within three working days.

Replacement of certificates

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

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

(a) an affidavit as to the circumstances in which the certificate was lost or destroyed; or

(b) the damaged certificate; and

(c) the prescribed charge.

Register of contractors and responsible plumbers

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

(2) The register must be available for inspection at the relevant office of the Municipality during normal working hours or be placed on the Municipality's website or database.

Cancellation of registration

37.(1) The registration of a registered contractor or responsible plumber may be cancelled if a person—

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

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

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

plumber reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

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

(4) If the Municipality cancels the registration of a registered contractor or responsible plumber, an application for re-registration from that person may not be considered until—

- (a) the contravention that led to the cancellation has been remedied within a timeframe prescribed by the Municipality; and
- (b) a period of 30 days has lapsed from the date of the cancellation.

(5) Where the contravention in subsection (4) has not been remedied the Municipality may not re-register the contractor despite the lapsing of the 30-day period.

Responsibilities of a registered contractor

38.(1) A registered contractor must—

(a) unless he or she is also a registered responsible plumber, at all times, have at least one registered responsible plumber in his or her full-time employment who has—

- (i) been nominated by the registered contractor in the form referred to in paragraph (c) or the notice referred to in subsection (2); and
- (ii) acknowledged acceptance of the nomination by signing the form or notice;

(b) ensure that work undertaken by him or her is carried out under the control of the registered responsible plumber in his or her employment;

(c) notify the Municipality on the prescribed form of his or her intention to commence work referred to in section 31, not less than three working days prior to the commencement; and

(d) within five working days of the completion of the work request for a compliance inspection by the relevant Water Inspector and, if the installation complies, a compliance certificate will be issued by the Water Inspector.

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

Responsibilities of a registered responsible plumber

39. A registered responsible plumber must–

- (a) ensure that installation work done by him or her and any person under his or her control complies with this By-law;
- (b) certify and co-sign with the Water Inspectorate the prescribed form that installation work complies with this By-law, any applicable law and any standards determined by the Municipality; and
- (c) where a compliance certificate is required for installation work, an application on the prescribed form must be made to the Water Inspectorate section requesting such inspection.

Work done by persons who are not registered

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

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

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

CHAPTER 8

TESTING, DISINFECTION AND USE OF WATER INSTALLATIONS

Testing and disinfection of water installations

41.(1) Before a registered contractor submits a compliance certificate, he or she may, at the discretion of the authorised official be required to inspect, test and disinfect the water installation to satisfy the requirements of section 42 or 43 of this by-law.

(2) For the purpose of a test and disinfection contemplated in subsection (1), the registered contractor must—

- (a) supply, at his or her own cost, all equipment, materials and labour; and
- (b) pay for all water used to conduct the test and disinfection.

(3) A registered contractor must notify the Municipality on the prescribed form of his or her intention to carry out a test or disinfection contemplated in subsection (1) not less than two working days before the date on which he or she intends to do the work.

(4) If the test or disinfection is not done on the date and at the time stated in the notification contemplated in subsection (3), or if the test or disinfection is unsatisfactory, the registered contractor must submit a new notification and pay the prescribed charge.

Testing or disinfection of water installation required by Municipality

42.(1) The Municipality may by written notice require an owner to employ a registered contractor or responsible plumber, at his or her own cost, to—

- (a) test his or her water installation in accordance with section 43; and
- (b) disinfect his or her water installation in accordance with section 44.

(2) The provisions of section 41 apply, with the necessary changes, in respect of the test or disinfection, as the case may be.

(3) The registered contractor under supervision of a professional engineer registered with the Engineering Council of South Africa (ECSA) must witness the test and must within seven days of completion submit disinfection certificate certifying the test.

(4) After the performance of the disinfection process, a water sample must be obtained and submitted for quality analysis in terms of the requirements given in SANS 241-1 and SANS 241-2. The results of such analysis must form part of the evidence in terms of subsection (3) above.

Pressure testing

43. (1) The water installation shall be subjected to a water pressure of 1500 kilopascals, or such lesser pressure as the authorised official may specify. In the case of fire or combined installations the water pressure shall be 2000 kilopascals.

(2) The water pressure shall be considered satisfactory if the pressure referred to in subsection (1) is maintained for a period of not less than 15 minutes, without additional input of water into the water installation during such period.

(3) A water installation may be tested in such sections as the authorised official may determine in terms of the approved standards.

Disinfection

44. The sterilisation or disinfection of water or pipes and fittings must be carried out in accordance with approved standards.

Use of water installations

45.(1) A water installation, or any portion of a water installation, may not be used for any other purpose, other than for building purposes, and before a compliance certificate in respect of that installation has been issued by the Water Inspectorate.

(2) The receipt by the Municipality of a certificate does not relieve the owner of his or her responsibility in terms of section 112.

CHAPTER 9

GENERAL WATER INSTALLATION REQUIREMENTS

Provision and maintenance of water installations

46.(1) An owner must provide and maintain his or her water installation at his or her own cost and, except–

(a) in the case of a connection to a communication pipe; or

(b) where permitted in terms of this By-law,

must ensure that the installation is situated within the boundary of his or her premises.

(2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner must obtain the written consent of the Municipality or the owner of the land on which that portion is situated.

(3) Where the Municipality conducts necessary maintenance on the owners water installation situated outside the boundary of the owner's premises, the Municipality may recover such maintenance costs from the owner of the premises.

Approved pipes and water fittings

47.(1) A person may not install or use a pipe or water fitting in a water installation unless it is included in the schedule of approved pipes and water fittings as determined by the Municipality, and in accordance with any conditions listed in that schedule.

(2) Notwithstanding the provisions of subsection (1), the Municipality may, for a specific use in a specific installation, permit the installation or use of a pipe or water fitting which is not included in the schedule and otherwise than in accordance with the conditions listed in that schedule.

Acceptance requirements for pipes and water fittings

48.(1) A pipe or water fitting may be included in the schedule of approved pipes and water fittings if it–

- (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification;
- (b) is certified by a SANAS accredited test laboratory as complying with a specification or standard specification issued by it;
- (c) bears a certification mark issued in its country of origin in respect of the relevant SANAS specification and is tested by a SANAS accredited test laboratory; or
- (d) complies with the relevant SANS standard which is confirmed by means of test report.

(2) The Municipality may in respect of any pipes or water fittings contained in the schedule of approved pipes and water fittings, impose conditions relating to the use or method of installation of such pipes or fittings.

(3) The Municipality may, in respect of any pipe or water fitting included in the schedule of approved pipes and water fittings, impose any conditions it deems necessary in respect of the use or method of installation of the pipe or fitting.

Inclusion in schedule of approved pipes and water fittings

49.(1) Application for the inclusion of a pipe or water fitting in the schedule of approved pipes and water fittings must be made on the prescribed form and be accompanied by the prescribed charge.

(2)(a) A pipe or water fitting may be included in the schedule of approved pipes and water fittings for a period of not more than two years unless it bears the standardisation mark of the South African Bureau of Standards; and

(b) an application for its continued inclusion must be made on the prescribed form accompanied by the prescribed charge, not less than two months before the expiry of each period.

(3) The Municipality may at any time remove a pipe or water fitting from the schedule of approved pipes and water fittings if the pipe or water fitting—

- (a) no longer complies with the criteria upon which its inclusion was based;

(b) in the Municipality's opinion, is no longer suitable for the purpose for which its use was accepted; or

(c) has been removed from the applicable standard by the South African Bureau of Standards.

(4) The schedule of approved pipes and water fittings must be available for inspection at the office of the Inspectorate at any time during working hours.

(5) The Municipality may sell copies of the schedule of approved pipes and water fittings at the prescribed charge.

Performance criteria for pipes and water fittings

50.(1) All pipes and water fittings, other than storage tanks, must be capable of withstanding an internal pressure specified in section 43 of this By-law.

(2) Brass components of a water fitting intended to be in direct contact with water must be of a copper alloy of which no individual reading, when five random brass samples are tested in accordance with the requirements of SANS 6509, must show a depth of penetration exceeding 250 micrometres.

Design criteria for water installations

51.(1) The static water pressure at a terminal water fitting must not exceed 600 Kilopascals.

(2) The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

(3) The velocity of flow of water in a pipe must not exceed two metres per second.

(4) Every owner of a premises must ensure that a minimum quantity of water is stored, for purposes other than firefighting or air-conditioning, as determined by the Municipality.

Pumping of water

52.(1) If water is to be pumped from a water supply system, it must be pumped from a storage tank which is fed by gravity from the main and which complies, with the necessary changes, with the provisions of this By-law: Provided that this subsection does not apply to water intended for firefighting purposes.

(2) The owner must provide pumping facilities, with at least two pump sets of such size that any one of them is capable of delivering the required flow of water.

(3) The owner must ensure that each pump set contemplated in subsection (2) can be selected for duty at any time.

(4) Each pump set referred to in subsection (2) must include—

- (a) protection against low water pressure in its suction pipe;
- (b) an isolating valve, installed on both sides of the pump; and
- (c) a non-return valve installed in the outlet pipe from the pump and situated between the pump and the isolating valve contemplated in paragraph (b).

Installation of pipes

53.(1) If a pipe is laid underground, the vertical distance between the top of the pipe and finished ground level may not be—

- (a) more than one metre; and
- (b) less than—
 - (i) 450 millimetres in the case of a pipe not exceeding 75 millimetres in diameter; or
 - (ii) 750 millimetres in the case of a pipe exceeding 75 millimetres in diameter.

(2) If, in the opinion of the Municipality, it is not possible to comply with subsection (1) over a particular length of pipe, the Municipality must specify the conditions under which such length must be laid.

(3) No pipe may be laid within a horizontal distance of 500 millimetres from any drain or sewer: Provided that where a pipe crosses a drain or sewer at right angles, it may do so with a vertical separation of not less than 100 millimetres.

(4)(a) A pipe which passes under a building must be enclosed in a sleeve which—

- (i) extends over the full distance that the pipe passes under the building; and
- (ii) must be of such cross-sectional area as will permit the removal of the pipe.

(b) In addition to the provisions of paragraph (a)—

- (i) there may be no bend in the pipe or junction with another pipe over the length that it is enclosed in the sleeve and adequate space must be available at either end of the sleeve for the removal and replacement of the pipe; and
- (ii) if a pipe passes under a concrete surface it must be enclosed in a sleeve in compliance with paragraph (a), or in a duct filled with sand and covered in such a manner as to provide ready access to the pipe.

(5) A pipe may not be installed—

- (a) within a wall or floor unless it is embedded with mortar in a chase or enclosed in a duct from which it can be removed;
- (b) within a cavity in a wall; or
- (c) integrally with a member of a concrete or masonry structure.

(6) A pipe which is not otherwise held in place must—

- (a) be secured by means of pipe supports which must be of a type and material of manufacture appropriate to the pipe and the temperature of the water conveyed by it; and
- (b) comply with any other requirements or conditions determined by the Municipality.

(7) If the Municipality is of the opinion that a pipe or a water fitting of a particular type is unsuitable for use in a particular situation, the Municipality may, by written notice to the owner—

- (a) prohibit the use of such pipe or water fitting; or
- (b) require that protective measures acceptable to the Municipality be applied.

(8) The Municipality may require that different water installations on premises bear an acceptable means of identification or, where practical, are identified by means of the colour code system contained in SANS 10140-3 relating to the identification colour markings contained in Part 3: Contents of Pipelines.

Isolating valves

54.(1) An isolating valve must be installed in the service pipe of a water installation at a point not more than 1,5 metres inside the boundary of the premises concerned.

(2) If a valve contemplated in subsection (1) is situated underground, access to the valve must be such that it may readily be operated.

(3) An isolating valve must be installed in a readily accessible position—

(a) where any pipe enters any building or any portion of a building in separate occupation;

(b) on a branch pipe from a service pipe;

(c) on a branch pipe serving a flushing cistern or a flush valve, adjacent to such cistern or valve: Provided that such isolating valve may be omitted if a flush valve incorporates its own isolating valve;

(d) on each side of, and adjacent to, a backflow preventer or pressure reducing valve, or combination of backflow preventer and pressure reducing valve; and

(e) in the case of a storage tank, on the—

(i) inlet pipe adjacent to, and upstream of, the valve controlling the inlet of water to the tank; and

(ii) outlet pipe connected to the water installation and adjacent to the tank, and no connection may be made to an inlet or outlet pipe between the isolating valve and the tank.

(4) The Municipality may, by written notice, require an owner to install an isolating valve at any point in his or her water installation as the Municipality deems fit.

Storage tanks

55. The Municipality may prescribe standards and requirements for the installation, maintenance and inspection of storage tanks.

Emergency supply connections to domestic installations

56.(1) A pumping connection fitted with a coupling of a size and type specified by the Municipality must be provided in the pipe serving a storage tank in a hospital, clinic, nursing home, old-age home and other building from which the occupants cannot readily be removed in the event of an interruption of water supply.

(2) A non-return valve must be—

- (a) installed immediately upstream of the connection contemplated in subsection (1);
- (b) flanged for ease of maintenance; and
- (c) housed within a chamber not less than 450mm x 750mm.

(3) The connection contemplated in subsection (1) must be situated in a readily accessible position outside the building at a height of not more than one metre above finished ground level.

Installation of fixed water heaters

57.(1) The Municipality may prescribe standards and requirements for fixed water heaters and their installation.

(2) All new and replacement geyser installations are to be fitted with a drip tray with the overflow pipe discharging externally.

(3) The registered contractor or responsible plumber who—

- (a) installs;
- (b) replaces; or
- (c) repairs;

a fixed water heater or its associated protective devices must request a compliance certificate from the Municipality's Water Inspectorate.

(4) The registered contractor or responsible plumber must complete the geyser compliance certificate issued by the Water Inspectorate and provide a copy to the customer. A copy of the compliance certificate must be submitted to the Water inspectorate Section within five working days after issue for audit purposes.

Maximum temperatures in hot water circulating systems

58. The temperature of the water which discharges from a terminal water fitting supplied from a hot water re-circulating system may not exceed 55°C.

Back siphonage of hot water

59. Acceptable measures, to the Municipality's satisfaction, must be taken to prevent the back siphonage of water between hot and cold water in a water installation.

Provision of strainers

60.(1) Provision must be made either in—

- (a) the fitting concerned; or
- (b) a water installation,

for the prevention of entry of solid particles exceeding 710 micrometres in size into a fitting controlling the direction of flow of water or the water pressure in the installation.

(2) If compliance with the requirements of subsection (1) is effected by means of a strainer which is not incorporated in a fitting referred to in subsection (1), such strainer must be—

- (a) of a design which permits removal of the strainer element without the need to remove the fitting from the water installations; and
- (b) installed in a position where it is readily accessible for maintenance purposes.

Prevention of pressure surges

61. A person may not 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.

Sizes of pipe

62.(1) The size of any pipe in a water installation must be sufficient to provide the quantity of water required for the proper functioning of any part or parts of a water installation without exceeding the velocity of flow contemplated in section 51(3).

(2) The size of any such pipe must be maintained up to the point or points where such quantity is required.

Installation of solar water heaters

63.(1) The Municipality may prescribe standards and requirements for solar water heaters and their installation.

(2) All units installed must make provision for the installation of an automatic blending valve.

(3) The registered contractor or responsible plumber who installs a new solar water heater, replaces or repairs a solar water heater or its associated protective devices must request a geyser compliance certificate from the authorised official and notifying the water inspectorate of such installation work.

(4) The registered contractor or responsible plumber, upon completion of the geyser compliance certificate must-

- (a) issue a copy to the customer; and
- (b) within five working days present a copy to the water inspectorate section for audit purposes.

CHAPTER 10**PREVENTION OF UNDUE CONSUMPTION OF WATER****Waste of water**

64.(1) A customer may not permit–

- (a) the wasteful discharge of water from terminal water fittings;
- (b) pipes or water fittings to leak;

- (c) the use of maladjusted or defective water fitting;
- (d) an overflow of water to persist; and
- (e) an inefficient use of water to persist.

(2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair if, in the opinion of the Municipality, it is either causing or is likely to cause an occurrence listed in subsection (1).

(3) If an owner fails to comply with the provisions of this section, the Municipality may—
(a) take such measures as it deems fit without prior notice; and
(b) recover the cost of doing so from the owner.

(4)(a) A customer must ensure that the operation of any equipment or plant connected to his or her water installation uses water in an efficient manner.

(b) The Municipality may by written notice prohibit the use by a customer of any equipment in a water installation if, in its opinion, its use of water is inefficient.

(c) The equipment contemplated in paragraph (b) may not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Use of water as a heat-exchange medium

65. A person may not allow water—

- (a) used as a heat-exchange medium in any equipment or plant; and
- (b) supplied from a water installation,

to run continuously to waste, except for maintaining a prescribed level of total dissolved solids in a re-circulating plant.

Hot water distribution systems

66.(1) A pipe carrying hot water directly from a fixed water heater, or from the point of take-off from a hot water circulating system to a terminal water fitting, may not contain a volume of more than four litres.

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

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

(b) is of such thickness that the temperature at its external surface under normal operating conditions may not be more than 6°C above the ambient temperature.

(3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres must be removable without loss of water from such heater.

Heat pumps

67.(1) The Municipality may prescribe standards and requirements for heat pumps and their installation.

(2) Heat pumps must be so selected as to provide the total hot water demand: Provided that heat pump settings are not to exceed 60°C.

(3) If a heat pump is provided, and unless otherwise required, a stand-by heating system must be provided as a backup in the event of failure of the heat pump.

(4) An isolating switch must be installed to avoid the use of both systems at the same time.

(5) The registered contractor/responsible plumber who replaces or repairs a heat pump or its associated protective devices must notify the Municipality on the prescribed form within five working days after completing such work.

Discharge from terminal water fittings to be visible

68. A terminal water fitting, other than a float valve serving a cistern or a storage tank, must be installed in such a position and in such a manner that discharge of water from the cistern or tank, as the case may be, can be readily seen.

Overflows from cisterns

69. The overflow pipe from a water-closet cistern must be carried through an outside wall of the building concerned so that discharge of water from the cistern is readily visible from outside the building.

Flushing of water-closet pans and urinals

70.(1) A flushing device serving a water-closet pan or urinal must be activated—

- (a) manually, by a person using such pan or urinal; or
- (b) non-manually, by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal.

(2) A flushing device serving a water-closet pan must—

- (a) not be capable of discharging more than 9,50 litres or less than 8,50 litres of water during one complete flush under normal operating conditions; and
- (b) be connected to a water-closet pan which is so designed that its trap will be cleared in one such complete flush.

(3) A non-manually operated flushing device must be so designed that in the event that it malfunctions no flush will take place.

(4) No automatic cistern or tipping tank must be used for flushing a urinal.

(5) A separate flushing device must serve each—

- (a) wall-mounted urinal;
- (b) stall urinal; and
- (c) 1,8 metres length of slab urinal.

(6) A flushing device serving a urinal must not be capable of discharging—

- (a) more than two litres; or
- (b) less than one litre,

of water during one complete flush.

Metering taps and showers

71.(1) Each wash basin in a battery of three or more on a premises must be fitted with a metering type of tap which limits the discharge of water in each usage to not more than one litre.

(2) Each shower in a battery of showers of two or more on a premises must be fitted with metering valves to each shower which limits the discharge of water in each usage to not more than 2,5 litres.

Terminal water fittings outside buildings

72. An owner may not install on a premises, apart from a residential premises, a terminal water fitting outside a building unless it–

- (a) incorporates a self-closing device;
- (b) has a removable handle for operating purposes;
- (c) is capable of being locked to prevent unauthorised use; or
- (d) is a demand-type of tap which limits the quantity of water discharged in each operation.

CHAPTER 11**PREVENTION OF POLLUTION OF WATER****Owner to prevent pollution of water**

73. An owner must, at his or her own cost, take the necessary steps, acceptable to the Municipality, to prevent the entry of a substance which may be a danger to health or adversely affect the potability of water into–

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

Protection of water supply system

74.(1) A measure required in terms of subsection (2) and acceptable to the Municipality for the prevention of the backflow of water from a water installation to the water supply system must be provided and maintained by the owner in the case of–

- (a) a fire or combined installation on a premises;

- (b) a general installation serving the following activities—
 - (i) medical treatment of people or animals;
 - (ii) medical, pharmaceutical or chemical research and manufacturing;
 - (iii) agriculture, including dairies and nurseries;
 - (iv) photographic processing;
 - (v) laundering and dry-cleaning;
 - (vi) metal plating; or
 - (vii) treatment of hides and skins;
- (c) a general installation serving—
 - (i) mortuaries;
 - (ii) abattoirs;
 - (iii) sewage purification works;
 - (iv) refuse pulverising works;
 - (v) harbours;
 - (vi) oil processing and storage facilities;
 - (vii) wineries, distillers, breweries, yeast and cold drink factories;
 - (viii) sports fields; or
 - (ix) any other premises on which an activity is carried out which in the Municipality's opinion is likely to cause a danger to health or affect the portability of water in the event of a substance resulting from such activity entering the water supply system; or
- (d) a general installation on any premises after issue of a written notice by the Municipality to do so.

- (2) The measures required in terms of subsection (1) are—
 - (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with the provisions of this By-law and any standards or conditions prescribed by the Municipality;
 - (b) the passing of such water through a—
 - (i) reduced pressure backflow preventer; or
 - (ii) double check backflow preventer; or
 - (c) any other measures accepted by the Municipality which achieve the same purpose as contemplated in paragraph (a) or (b).

(3) The owner must ensure that no connection is made to his or her service pipe between the—

- (a) point of discharge from the pipe into the storage tank contemplated in subsection (2)(a);
- (b) backflow preventer installed in accordance with subsection (2)(b); and
- (c) measure accepted in accordance with subsection 2(c) and the communication pipe concerned.

(4) A customer may not connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first ensuring that adequate measures or devices exist to prevent a deterioration in water quality in the water installation.

Design and installation of backflow preventers

75.(1) A backflow preventer must be so designed and installed that a condition of backflow in the pipe in which it is installed must be readily detected.

(2) A backflow preventer must be installed in a readily accessible position where it can be inspected, and from which it can be removed for the purposes of servicing, repair and replacement without alteration to the water installation or the structure within which it is situated.

(3) A backflow preventer which provides for the discharge of water to the atmosphere must be installed above ground in such a position that it cannot be submerged in water or other liquid.

Inspection and servicing of backflow preventers

76.(1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his or her own expense, cause the backflow preventer to be—

- (a) inspected and serviced by a registered contractor at least once in every 12 months to ensure that it is in working order; and
- (b) replaced or completely overhauled once in every five years.

(2) The owner must maintain a record of the inspections and services contemplated in subsection (1), in the manner determined by the Municipality.

Protection of water installation

77.(1) An owner must, by a measure described in subsection (2) which is agreed to by the authorised official, prevent the back syphonage into the water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of–

- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is, or can be, attached to it, which must include a hose bibcock, a laboratory tap, and a moveable shower unit;
- (b) a fire hose reel installed in a combined installation;
- (c) an underground irrigation system; or
- (d) any other fitting which may provide a contact between polluted water and the water installation.

(2) The measures required in terms of subsection (1) are a–

- (a) vacuum breaker situated on the highest point of an upstand which must be not less than 300 millimetres above the point of discharge of the highest terminal water fitting concerned;
- (b) terminal vacuum breaker situated not less than 300 millimetres above the highest point of connection of a pipe to a riser serving the fittings concerned; or
- (c) single check valve or vacuum breaker incorporated in, attached to or installed adjacent to, a terminal water fitting.

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

(4) An owner must ensure that no inter-connection is made between a–

- (a) general installation and a fire installation if they are supplied through separate communication pipes; or

(b) water installation carrying water supplied by the Municipality and an installation carrying water from another source of supply, unless backflow into such general installation or water installation cannot occur.

(5) An owner must ensure that no inter-connection is made between a water installation, or other installation carrying potable water from any source, and a drain or sewer.

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

(7) The entry of water into the tank referred to in paragraph (6) must be solely from a pipe which discharges at a height of 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level rim of the tank.

CHAPTER 12 FIRE INSTALLATIONS

Unmetered supply of water for firefighting purposes

78.(1) If the Municipality supplies water for firefighting purposes to any premises through an unmetered connection, the Municipality may—

- (a) by written notice advise the owner of its intention to install a device at the cost of the owner and in a manner and position specified by it to indicate if water has been used in a fire installation; and
- (b) place a seal on the operating valve of every hydrant and hose reel in the fire installation served by such connection.

(2) The provisions of section 19 of this By-law apply, with the necessary changes, to a device installed in accordance with subsection (1).

(3) If the Municipality inspects a fire installation and finds that a seal referred to in subsection (1)(b) is broken, or the device referred to in subsection (1)(a) indicates that water has been used from the fire installation, the Municipality may—

(a) estimate the quantity of water which in its opinion has been drawn off from the installation since the previous inspection; and

(b) render an account to the customer for the—

(i) quantity of water contemplated in paragraph (a); and

(ii) prescribed charge for the replacement of the seal.

(4) If the use of water for purposes other than firefighting has occurred on any premises, the Municipality may—

(a) by written notice, require the customer on that premises within a specified period to cease using water from his or her fire installation for purposes other than firefighting; and

(b) if a customer fails to comply with a notice served in accordance with paragraph (a), install a meter in the communication pipe serving the owner's fire installation and charge the owner for the cost thereof.

(5) If a customer uses water from his or her fire installation for purposes other than extinguishing or prevention of a fire or for maintenance purposes, he or she must notify the Municipality within three working days of such action.

Sizes of pipes

79.(1) The nominal diameter of a communication pipe serving a fire installation may not be less than—

(a) 25 millimetres, in the case of a fire or combined installation incorporating hose reels;

(b) 75 millimetres, in the case of an automatic sprinkler installation; or

(c) 100 millimetres, in the case of a fire or combined installation incorporating hydrants.

(2) The nominal diameter of a pipe in a fire installation supplying water to fire hydrants must not be less than—

- (a) 75 millimetres, if its length does not exceed 50 metres; and
- (b) 100 millimetres, if its length exceeds 50 metres.

(3) The nominal diameter of a pipe serving hose reels on any one floor of a building may not be less than—

- (a) 25 millimetres, if it serves one or two hose reels;
- (b) 32 millimetres, if it serves three hose reels;
- (c) 40 millimetres, if it serves four or five hose reels; or
- (d) 50 millimetres, if it serves more than five hose reels.

Pumping connections

80.(1) The pipe which serves a hydrant and hose reel installation must be provided with a twin pumping connection.

(2) A pipe serving only hose reels which are situated in a building at a height of more than six metres above the ground level abutting on the building must be provided with a single pumping connection.

Non-return valves

81.(1) A non-return valve must be installed in any fire installation between—

- (a) a pumping connection referred to in section 80(1) and (2); and
- (b) the communication pipe serving the installation.

(2) A pipe which is connected to a storage tank and is provided with a pumping connection must be provided with a non-return valve installed in such a position and manner as to prevent the flow of water into the tank when the pumping connection is in operation.

Pressure gauge and test valve

82.(1) A pressure gauge must be installed in a fire installation outside the building concerned, in a position where it can be observed without the necessity of entry into the building.

(2) A test valve must be installed immediately upstream of the pressure gauge referred to in subsection (1).

(3) The pressure gauge referred to in subsection (1) must—

- (a) register a maximum pressure of not less than 2500 kilopascals;
- (b) be graduated at intervals of not less than 25 kilopascals; and
- (c) have an error of not more than 2% over its range of operation.

(4) The Municipality may at any time operate the test valve and pressure gauge referred to in subsection (1).

Installation of pipes

83.(1) Non-metallic pipes may not be installed above ground in either a fire installation or a combined installation.

(2) No pipe in a fire installation may be enclosed in the same duct as a fuel or gas pipeline.

CHAPTER 13 WATER METERS

Defective meters

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

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

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

(3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973) are applicable, must be deemed to be defective if, when tested in accordance with such regulations, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of those regulations.

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

- (a) not less than 75%;
- (b) between 50% and 55%; and
- (c) not more than 20%,

it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the said rates of flow.

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

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

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

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

whichever the Municipality considers most appropriate.

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

Adjustment of account if meter is defective

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

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

CHAPTER 14 PROTECTION OF WATER SUPPLY SYSTEM

Trespassing on water supply system

87. A person may not enter—

- (a) into an area used by the Municipality in connection with its water supply system—
 - (i) which is enclosed by a fence; or
 - (ii) where entry is prohibited by notice boards; and
- (b) a structure used by the Municipality in connection with its water supply system, without prior written permission from the Municipality.

Interference with water supply system

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

Unauthorised connections

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

Damage to water supply system

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

(2) Any person who intends performing work which may cause damage to the water supply system on land, owned by or vested in the Municipality or over which it has a servitude or other right must, before beginning the work, obtain written confirmation

from the Municipality as to whether any part of the water supply system is situated on that land and, if so, the location of that water supply system.

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

Obstruction of access to water supply system

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

(2) If any person contravenes the provisions of subsection (1), the Municipality may—

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

Pollution of water supply

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

- (a) a reservoir; or
- (b) any other place owned, controlled by or vested in the Municipality either in whole or in part, and used by it in connection with the supply of water,

unless that act is specifically authorised in writing by the Municipality.

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

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

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

Pipes in public places

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

CHAPTER 15 SERVICE CHARGES

Payment for water supplied

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

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

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

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

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

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

(a) not charged for water so used; or

(b) charged for the water at a rate lower than that at which he or she should be charged,

such customer is liable for the amount due to the Municipality in accordance with the prescribed charges in respect of the—

(i) quantity of water which, in the Municipality's opinion, the customer has used and for which he or she has not been charged; or

(ii) difference between the cost of the water used by the customer at the rate at which he or she has been charged and the cost of the water at the rate at which he or she should have been charged.

Amendments to prescribed charges for water supplied

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

No reduction of amount payable for water wasted or leakage undetected

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

(a) water is wasted; or

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

Other charges

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

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

Water supplies from a hydrant

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

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

(3) Water supplied in accordance with subsection (1) must pass through a meter and The meter together with the appurtenant apparatus required to enable it to be connected to a hydrant must be provided by the Municipality and remains the Municipality's property.

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

- (a) deposit contemplated in section 11; and
- (b) prescribed deposit in respect of each meter and appurtenant apparatus supplied by the Municipality, as security for their return in proper working order.

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

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

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

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

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

(b) The charge contemplated in paragraph (a) must continue to be levied until the customer returns the meter and appurtenant apparatus or notifies the Municipality in writing that he or she is unable to do so.

(c) Notwithstanding the provisions of paragraph (a) and (b), if a customer returns the meter in working order and with its seal intact after being charged for water in accordance with paragraph (a), the Municipality must adjust the amount charged to the cost of the water actually supplied to him or her.

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

- (a) takes water from a hydrant which is not specified by the Municipality;
- (b) is found to be taking, or to have taken, water from a hydrant without its passing through a meter; or
- (c) fails to comply with any provision of subsection (6),

the Municipality may terminate his or her agreement for the supply.

Resale of water supplied by Municipality

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

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

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

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

Liability for charges

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

Conditions relating to charges

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

Leak repair policy

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

- (a) a leak repair policy;

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

Domestic water insurance

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

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

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

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

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

Service subsidy

104. Domestic residential customers supplied via a semi-pressure supply are entitled to a reduction on the standard tariff for consumption of up to 30 kilolitres per month.

Unallocated consumption

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

Deceased estates

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

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

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

CHAPTER 16 NOTICES

Notices and documents

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

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

- (a) by delivering it to him or her personally or to his or her duly authorised agent;
- (b) by delivering it at his or her residence or place of business or employment to a person apparently—
 - (i) not less than 16 years of age; and
 - (ii) residing or employed there;
- (c) if he or she has nominated an address for the receipt of notices and other legal documents, by delivering it to that address;
- (d) if he or she has not nominated an address for the receipt of notices and other legal documents, by delivering it to the address given by him or her in his or her application for a supply of water, for the reception of an account for water supplied;
- (e) in the case of a body corporate, by delivering it at the registered office or business premises of such body corporate;

- (f) by registered or certified post addressed to his or her last known address; or
- (g) if service cannot be effected in accordance with paragraphs (a) to (f), by affixing it to a principal door of entry to the premises concerned.

Compliance notice

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

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

False statements or information

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

CHAPTER 17 GENERAL

Prescribed matters

110. The Municipality may, by following the public participation procedure referred to in section 23, prescribe any standard, condition, requirement, policy or any other matter required for the implementation of this By-law.

Transitional arrangements

111.(1) If authority was given before the date of commencement of this By-law for installation work to be done, or if authorised work is in progress on such date, such work must comply with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to the date of commencement of this By-law.

(2) The Municipality may, for a period of 90 days after the date of commencement of this By-law, give authority for installation work to be done in accordance with any laws governing such work which were in force in the area of jurisdiction of the Municipality prior to the date of commencement of this By-law.

Responsibility for compliance

112. It is the responsibility of the—

- (a) owner of the premises to comply with the provisions of this By-law in respect of the water installation; and
- (b) customer to comply with the provisions of this By-law in respect of the use of the water on the premises.

Existing water installation

113.(1) An owner may not be required to comply with this By-law by altering a water installation or a part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this By-law.

(2) Notwithstanding subsection (1), the Municipality may by notice in writing require the owner to comply with the provisions of this By-law within a specified period, if it is of the opinion that the installation or a part thereof is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution, pollution of the water supply, or a health or safety hazard.

Use of water from sources other than the water supply system

114.(1) A person may not use or permit the use of water obtained from a source other than the water supply system, except with the prior consent of the Municipality and in accordance with such conditions as it may impose, for—

- (a) domestic, commercial or industrial purposes; or
- (b) the purpose of filling a swimming pool.

(2) Any person desiring the consent contemplated in subsection (1) must provide evidence to the satisfaction of the Municipality that the—

- (a) water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241-1 relating to drinking water

contained in Part 1: Microbiological, physical, aesthetic and chemical determinants; and

(b) use of such water does not or will not constitute a danger to health.

(3) Any consent given in accordance with subsection (1) may be withdrawn if in the opinion of the Municipality—

(a) a condition imposed in accordance with subsection (1) is breached; or

(b) the water no longer conforms to the requirements contemplated in subsection (2).

(4) If water obtained from a borehole or other source of supply on a 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 meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

(5) The provisions of section 20 apply, with the necessary changes, in respect of the meter contemplated in subsection (4).

Notification of boreholes

115. The Municipality may by public notice require the—

(a) owner of any premises upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify the Municipality on the prescribed form of the existence of a borehole on the premises, and provide it with such information as the Municipality may require; and

(b) owner or occupier of a premises who intends to sink a borehole on the premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

Sampling of water

116.(1) 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 contemplated in section 114.

(2) The prescribed charge for the taking and testing of the samples contemplated in subsection (1) must be paid by the person to whom consent to use the water was granted.

Supply of non-potable water

117.(1) The Municipality may on application in terms of section 7, grant a supply of non-potable water to a customer.

(2) Any supply of water granted in accordance with subsection (1) may not be used for domestic or any other purpose which, in the opinion of the Municipality, may give rise to a health hazard.

Conditions of supply of non-potable water

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

(2) The supply of non-potable water is entirely at the risk of the customer, both as to condition and use.

(3) The customer is liable for any consequential damage or loss arising to him or herself or others caused directly or indirectly from the supply of non-potable water, including the consequences of any bona fide fault of the Municipality or malfunction of a treatment plant.

Use of non-potable water for irrigation purposes

119.(1) If non-potable water supplied by the Municipality is used for irrigation purposes, the customer must ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent ponding.

(2) The customer must, at his or her own expense, take such steps as may be necessary to prevent any run-off of surplus non-potable water from irrigated areas.

(3) If the customer fails to take the steps contemplated in subsection (2), the Municipality may by written notice require him or her to take steps within a specified period.

(4) If the customer fails to comply with the written notice as contemplated in subsection (3), the Municipality may take such steps at the expense of the customer.

Warning signs and notices

120.(1) On premises on which non-potable water is used, the customer must ensure that every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weather-proof notice indicating that the water is unsuitable for domestic purposes.

(2) In an area where treated sewage effluent is used, the customer must erect weather-proof notices in prominent positions warning that such effluent is not suitable for domestic purposes.

(3) Every warning notice contemplated in subsections (1) and (2) must be in English, isiZulu and Afrikaans, and any such other language as the Municipality may deem necessary.

CHAPTER 18 ENFORCEMENT

Power of entry and inspection

121.(1) An authorised official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time, enter the premises, request information and make such inspection, examination and enquiry as he or she may deem necessary, and for those purposes operate any component of the water installation.

(2) If the authorised official considers it necessary that work be performed to enable him or her to properly and effectively implement a function contemplated in subsection (1), the authorised official may–

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

(3) Only in the event that the work contemplated in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, the Municipality must bear the expenses connected therewith together with that of restoring the premises to its former condition.

(4) If an authorised official requires the presence of–

- (a) an owner at an inspection of his or her water installation;
 - (b) a registered contractor doing installation work at an inspection of such work;
- or
- (c) a registered contractor's responsible plumber at an inspection of work being done under his or her control,

he or she may give such person written notice of not less than two working days to that effect, indicating the date and time when, and the place where, he or she proposes to carry out the inspection.

Indemnity

122. The Municipality and any authorised official are not liable to any third party for any damage caused by anything lawfully done or omitted by the Municipality or the authorised official in carrying out any function or duty in terms of this By-law.

Lawful instructions

123. Failure to comply with a lawful request of the authorised official constitutes a contravention of this By-law.

Recovery of costs

124.(a) If a person—

- (i) contravenes the provisions of this By-law; or
- (ii) fails or refuses to comply with a compliance notice issued in terms of this By-law,

the Municipality may take any steps required in order to address or rectify such non-compliance, and recover the costs from such person responsible.

(b) Any liability contemplated in paragraph (a) is in addition to any fine which may be imposed on such person.

Relaxation

125. The Municipality may, on a case by case basis, relax or waive the requirements of a provision of this By-law upon such conditions as it deems fit to impose and if it is of the opinion—

- (a) that the application or operation of that provision in that particular case would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision; and
- (b) that the—
 - (i) purpose for which the provision has been enacted has substantially been attained in that case or will be so attained upon compliance with the conditions imposed; or
 - (ii) need to attain that purpose is for any reason absent in the particular case.

Offences

126. A person is guilty of an offence under this By-law if he or she—

- (a) unlawfully prevents the authorised official entry to his or her premises or causes or permits any other person to prevent entry;
- (b) obstructs or hinders the authorised official in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the authorised official;
- (c) refuses or fails to provide to the authorised official such information as is required to allow the authorised official to perform a function in terms of this By-law;

- (d) knowingly gives false or misleading information to an authorised official;
- (e) impersonates an authorised official;
- (f) contravenes or fails to comply with any provision of this By-law; or
- (g) contravenes or fails to comply with any order or notice lawfully issued under this By-law.

Penalties

127.(1) Any person who is convicted of an offence under this By-law shall be liable to a fine of an amount not exceeding R300 000 or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

(2) Failure to comply with the terms of this By-law or any terms of any condition or notice shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he or she fails to comply with such terms.

(3) In addition to the penalties prescribed in this By-law and any other law, a person liable in terms of subsection (1) and (2) shall also be held liable to such charges as an authorised officer may assess as the full cost including the environmental cost incurred by the Municipality as a result of that offence.

CHAPTER 19 MISCELLANEOUS PROVISIONS

Delegations

128.(1) Subject to the Constitution and applicable national and provincial laws, any–

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Municipality, or on any of the other political structures, political office bearers, councillors or staff members of the Municipality, may be delegated or sub-delegated by such political structure, political office bearer,

councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation contemplated in subsection (1) must be effected in line with the system of delegations adopted by the Municipality in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of the said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

Appeals

129.(1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must act in accordance with the provisions outlined in section 62 of the Municipal Systems Act, 2000 in response to the appeal.

Repeal of laws and savings

130.(1) The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

(2) All notices published under the Water Supply By-law of 1996 remain in full force and effect as if the said By-law has not been repealed as contemplated in subsection (1).

(3) Any rights accrued or obligations incurred as contemplated in the laws referred to in subsection (2) remain in force, as if those laws have not been repealed.

Short title and commencement

131. This By-law is called the eThekweni Municipality: Water By-law, 2022 and takes effect six months from the date of publication thereof in the *Provincial Gazette* or on such earlier date as may be determined by the publication of a commencement notice in the *Provincial Gazette*.

SCHEDULE LAWS REPEALED

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
No. 87 of 1953	Standard By-law, Mount Edgecombe	Chapter IX
No. 104 of 1996	Water Supply By-law, Durban Transitional Metropolitan Council	Whole