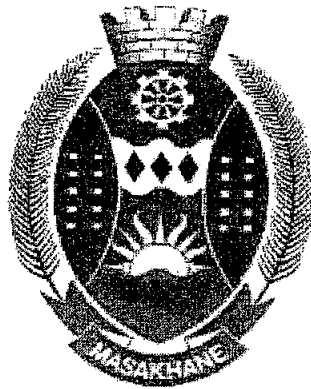


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**LOCAL AUTHORITY NOTICES**  
**PLAASLIKE BESTUURSKENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 1**



**STEVE TSHWETE LOCAL MUNICIPALITY**

**WATER SERVICES BY-LAWS**

## **STEVE TSHWETE LOCAL MUNICIPALITY**

### **WATER SERVICES BY-LAWS**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, Act 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Water Services By-laws, with effect from the date of publication.

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## CHAPTER I: General provisions

### Part 1: Definitions

#### Definitions

1. (1) In these regulations, unless the context otherwise indicates -

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| <b>"accommodation unit"</b> | in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;   |
| <b>"Act"</b>                | means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;  |
| <b>"affected person"</b>    | means a person who has been served with a designated notice;   |
| <b>"air gap"</b>            | means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank, or fitting or any other device, and the overflow level thereof;  |
| <b>"approved"</b>           | means approved by the Council;   |
| <b>"authorised agent"</b>   | means a person authorised by the Council to perform any act, function or duty in terms of, or exercise any power under, these By-laws;   |
| <b>"backflow"</b>           | means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;   |
| <b>"backflow preventer"</b> | means any device that prevents backflow  |
| <b>"back siphonage"</b>     | means backflow created by pressures lower than atmospheric pressure in the water installation;   |
| <b>"basic sanitation"</b>   | means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution thereof. |

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| <b>"business unit"</b>                | means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for purposes other than residential occupation;  |
| <b>"borehole"</b>                     | means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;   |
| <b>"Building Regulations"</b>         | means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);   |
| <b>"combined installation"</b>        | in relation to water supply means an installation used for fire-fighting, domestic, commercial or industrial purposes;   |
| <b>"commercial purposes"</b>          | in relation to water services means water supplied to premises to be used in the carrying out of a trade or a business;  |
| <b>"commercial effluent"</b>          | means effluent emanating from a premises having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;   |
| <b>"communal sewer"</b>               | means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer; |
| <b>"communal water services work"</b> | means a consumer connection through which water services are supplied to more than one person, and "communal water connection" has a similar meaning   |
| <b>"connecting point"</b>             | means the point at which the drainage installation joins the connecting sewer;   |
| <b>"connecting sewer"</b>             | means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or by agreement;      |
| <b>"connection pipe"</b>              | means a pipe, owned by the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;  |

- "consumer"** means –
- (a) any occupier of any premises to which or on which the Council has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Council for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Council has agreed to provide water services; or
  - (b) the person that obtains access to water services that are provided through a communal water services work;
- "conventional water meter"** means a water meter where the account is rendered subsequent to consumption of the water;
- "Council"** means –
- (a) the Steve Tshwete Local Municipality as established by the Provincial Notice No 28 of 2004, exercising its legislative function through its Municipal Council;
  - (b) its successor in title;
  - (c) a structure or person exercising a delegated power;
- and includes the meaning of a 'Water Services Authority' as defined in the Act;
- "day"** means a 24 hour period commencing and ending at 24:00
- "designated officer"** means a person in the employ of the Council, authorised as a designated officer in terms of Section 76 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) or if the Council has, for purposes of these By-laws, appointed a Service Provider which is still operative, an employee of such service provider, authorised by it as a designated officer in terms of these By-laws and acting within the scope, functions and powers assigned to the service provider by the Council;
- "domestic purposes"** in relation to water supply means the general use of water for personal and residential uses, including

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|                          | health and hygiene, drinking, culinary, ablution, household and garden maintenance;  |
| "drain"                  | means that portion of the drainage installation that conveys sewage within any premises;   |
| "drainage installation"  | means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems; |
| "drainage work"          | includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;  |
| "dwelling unit"          | means an interconnected suite of rooms designed for residential purposes and occupation by a single household regardless of how many persons comprise the household  |
| "duly qualified sampler" | means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by Council or its authorised agent;  |
| "ECA"                    | means the Environment Conservation Act, 1989 (Act No 73 of 1989) and any regulations made in terms thereof and any superseding legislation;  |
| "EIA"                    | means an environmental impact assessment in terms of NEMA and/or the ECA;  |
| "effluent"               | means any liquid whether or not containing matter in solution or suspension;   |
| "emergency"              | means any situation that poses a risk or potential risk to life, health, the environment or property;  |
| "enforcement notice"     | means any enforcement notice issued by a designated officer under these By-laws, instructing the person to whom it is directed to comply with the terms of the notice, and includes a notice in terms of Section 12(1).  |
| "environmental cost"     | means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;  |



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| <b>"fire hydrant"</b>                         | means a potable water installation that conveys water for fire fighting purposes only; and 'fire installation' shall have a similar meaning;  |
| <b>"fixed quantity water delivery system"</b> | means a water installation, which delivers a fixed quantity of water to a consumer in any single day;   |
| <b>"flood level (1 in 50 year)"</b>           | means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;  |
| <b>"flood level (1 in 100 year)"</b>          | means that level reached by flood waters resulting from a storm of a frequency of 1 in 100 years;   |
| <b>"flood plain (1 in 50 year)"</b>           | means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;  |
| <b>"flood plain (1 in 100 year)"</b>          | means the area subject to inundation by flood waters from a storm of a frequency of 1 in 100 years;   |
| <b>"general installation"</b>                 | means a water installation that conveys water for a combination of household, commercial and industrial purposes;   |
| <b>"high strength sewage"</b>                 | means sewage with a strength or quality greater than standard domestic effluent;  |
| <b>"household"</b>                            | means the family unit of persons, or individuals in occupation of a building or part of a building, designed for residential purposes by that family unit or individuals;   |
| <b>"indigent household"</b>                   | "indigent household" means a domestic customer who is qualified to be, and who is registered with the municipality as, an indigent in accordance with the municipalities Debt Collection and Credit Control By-Laws;  |
| <b>"industrial effluent"</b>                  | means any effluent emanating from industrial use of water, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or stormwater, and 'trade effluent' has a similar meaning;  |
| <b>"industrial purposes"</b>                  | in relation to water supply means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation or for purposes of |

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|                      | manufacturing, mining, retailing and service industries, generating electricity, land based transport, construction or any related purpose;  |
| "installation work"  | means work in respect of the construction of, or carried out on a water installation;  |
| "law"                | means any law including the common law;  |
| "main"               | means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water in a network of pipes;  |
| "measuring device"   | means any method, procedure, process device, apparatus or installation that enables the quantity and /or quality of water services provided by Council to be quantified and/or evaluated;  |
| "meter"              | means a water meter as defined by Regulation 81(a) Government Notice 2362 dated 18 November 1977 published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;  |
| "National Water Act" | means the National Water Act No 36 of 1998   |
| "NEMA"               | means the National Environmental Management Act, 1998 (Act no. 107 of 1998)  |
| "occupier"           | means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;  |
| "owner"              | means - <ul style="list-style-type: none"> <li>(a) the person in whom from time to time is vested the legal title to premises;</li> <li>(b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;</li> <li>(c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;</li> <li>(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</li> </ul> |

- (e) in relation to -
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

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

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

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

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority;

**"Prepayment meter"** means a meter that can be programmed to limit the flow of water into a water installation to the amount that has been previously purchased;

**"prepayment measuring system"** means a meter and ancillary devices, approved by the Council, designed to measure and allocate to the consumer the quantity of water pre-purchased;

**"prescribed"** means determined by resolution of the Council from time to time;

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| <b>"prescribed tariff or charge"</b> | means a charge prescribed by the Council;  |
| <b>"professional engineer"</b>       | means a person registered a professional engineer in terms of the Engineering Profession Act 2000 (Act 46 of 2000)   |
| <b>"public notice"</b>               | means a notice in a newspaper in at least two of the official languages in general use within the jurisdictional area of Council, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;     |
| <b>"qualified plumber"</b>           | means a person who has passed the plumbing trade test of the Department of Labour and who has received a certificate attesting to the fact that he/she has passed.   |
| <b>"SABS"</b>                        | means the South African Bureau of Standards;   |
| <b>"SANS"</b>                        | means the South African National Standard;   |
| <b>"sanitation services"</b>         | has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;  |
| <b>"service pipe"</b>                | means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;   |
| <b>"sewage"</b>                      | means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;   |
| <b>"sewage disposal system"</b>      | means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage; |
| <b>"sewer"</b>                       | means any pipe or conduit which is the property of or is vested in the Council and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;  |

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| <b>"standard domestic effluent"</b> | means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;  |
| <b>"stormwater"</b>                 | means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;   |
| <b>"Systems Act"</b>                | means the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) as amended;   |
| <b>"terminal water fitting"</b>     | means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;  |
| <b>"trade premises"</b>             | means premises upon which industrial effluent is produced;  |
| <b>"water fitting"</b>              | means a component of a water installation, other than a pipe, through which water passes or in which it is stored;  |
| <b>"water installation"</b>         | means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Council ; |
| <b>"water services"</b>             | has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;   |
| <b>"water services work"</b>        | means a reservoir, dam, well pump-house, bore-hole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution –<br>(i) to provide water services<br>(ii) to provide water for industrial use, or<br>(iii) to dispose of industrial effluent;                   |
| <b>"water supply services"</b>      | has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for  |

industrial purposes and the disposal of industrial effluent;

- "water supply system"** means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Council and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
- "wet industry"** means an industry which discharges industrial effluent;
- "working day"** means a day other than a Saturday, Sunday or public holiday.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of Section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or where applicable, to an employee of the service provider duly authorised by it.

**Meaning of certain words the same as in Acts**

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

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning,

unless the context indicates otherwise.

- (c) Any reference in Chapter I of these By-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

**Part 2: Application for water services**

**Application for water services**

3. (1) No person, shall gain access to water services from the water supply system, or gain access to the sewage disposal system or any other sanitation services unless he or she has applied to the Council on the prescribed form for such services and the application has been approved.

(2) Council reserves the right to determine different levels of services to different consumers or consumers residing in different areas as may be established in terms of the policies of Council and subject to the conditions as determined by Council.

(3) An application agreed to by the Council shall constitute an agreement between the Council and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(4) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.

(5) In preparing an application form for water services the Council will ensure that the owner, consumer or other person making application, understands the document and the process of interaction. In the case of illiterate or similarly disadvantaged persons, the Council will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.

(6) The Council may, at any time it deems it necessary, require a third party to be bound jointly and severally as security and co-principal debtor with the consumer for the due payment of any fees under these By-laws;

(7) An application form will require at least the following minimum information -

- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
- (b) acceptance by the consumer of the provisions of the By-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
- (c) name of consumer;
- (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
- (e) address where accounts will be sent;
- (f) source of income of the applicant;
- (g) name and address of the applicant's employer, where appropriate;
- (h) if water will be supplied, the purpose for which the water is to be used; and
- (i) the agreed date on which the provision of water services will commence.

(8) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.

(9) If a Council refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Council will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Council will be able to provide such water services.

#### **Special agreements for water services**

4. The Council may enter into a special agreement for the provision of water services to -

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

### **Part 3: Tariffs and charges**

#### **Prescribed tariffs and charges for water services**

5. All tariffs and or charges payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of

connection charges, fixed charges or any additional charges (as determined by Council from time to time) or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Council in terms of a resolution passed in terms of Section 75(A) of the Systems Act by the Council; in accordance with –

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

**Fixed charges for water services**

6. (1) The Council may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or one-off fixed charge in respect of the provision of water services in accordance with –

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

(2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the Council to him, her or it, whether or not water services are used by him, her or it.

**Part 4: Payment**

**Payment of deposit**

7. (1) Every consumer must on application for the provision of water services and before the Council will provide such water services, deposit with the Council a sum of money as determined by the Council for the particular area except in the case of a pre-payment measuring device being used by the Council.

(2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(3) The Council may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review –

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(4) Subject to Sub-Section (5), an amount deposited with the Council in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.

(5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this Section.



(7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Council if it has not been claimed within twelve months of the termination of the agreement.

#### **Payment for water services provided'**

8. (1) Water services provided by the Council to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Council from time to time.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

(3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

(4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7.

(5) A consumer must pay his or her or its account at an approved agent of the Council. A consumer shall remain liable for the payment of an account not paid with the Council, its authorised agent or approved agent.

(6) A Council must inform a consumer as to whom the approved agents for payment of accounts are.

### **Part 5: Accounts**

#### **Accounts**

9. (1) Monthly accounts will be rendered to consumers for the amount due and payable for water services, at the address last recorded with the Council.

(2) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

(3) An account rendered by the Council for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.

(4) If payment of an account is received after the date referred to in Sub-Section a late payment charge or interest as may be prescribed must be paid by the consumer to the Council.

(5) Accounts must –

- (a) show the following –
- i. the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
  - ii. the measuring or consumption period;
  - iii. the applicable tariff;
  - iv. the amount due in terms of the consumption;
  - v. the amount due and payable for any other service rendered by the Council ;
  - vi. the amount in arrears, if any;
  - vii. the interest payable on any arrears, if any;
  - viii. the final date for payment;
  - ix. the methods, places and approved agents where payment may be made; and
- (b) state that –
- i. the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments, at the Council 's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
  - ii. if no such agreement is entered into the Council will limit the water services after sending a final demand notice to the consumer;
  - iii. legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with Council's Credit Control & Debt Collection By-laws;
  - iv. the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
  - v. the account may be handed over to a debt collector for collection;
  - vi. proof of registration, as an indigent consumer, in terms of the Council 's indigent policy must be handed in before the final date for payment; and
  - vii. an indigent consumer is only entitled to basic water services plus the indigent entitlement.

#### **Queries or complaints in respect of account**

10. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.

- (4) The Council will register the query or complaint and provide the consumer with a reference number.
- (5) The Council shall –
  - (a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
  - (b) must inform the consumer, in writing, of his or her finding as soon as possible thereafter.

#### **Appeals against finding of Council in respect of queries or complaints**

11. (1) A consumer may in writing appeal against a finding of the Council in Section 10.

(2) An appeal in terms of Sub-Section (1) must be made in writing and lodged with the Council within 14 (fourteen) days after the consumer became aware of the finding referred to in Section 10 and must –

- (a) set out the reasons for the appeal;
- (b) lodge the appeal with the Council within 14 (fourteen) days after the receipt of the account in question; and
- (c) be accompanied by any deposit determined for the testing of a measuring device, if applicable.

(3) The Council may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.

(4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.

(5) The Council must decide an appeal within 21 (twenty-one) days after such an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.

(6) The decision of the Council is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, her or it being informed of the outcome of the appeal.

(7) The Council may condone the late lodging of appeals or other procedural irregularities.

(8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in Sub-Section (9)(a) below, prior to such test being undertaken.

- (9) If the outcome of any test shows that a measuring device is –
  - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;

- (b) outside a prescribed range of accuracy, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in Sub-Section (2)(c) if applicable may be -
- (a) retained by the Council if the measuring device is found not to be defective; or
  - (b) refunded to the applicant if the measuring device is found in terms of those Sub-Sections to be defective.
- (11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (12) In addition to Sub-Section (10) the Council must if the measuring device is found defective -
- (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 41(6); and
  - (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Council may decide -
    - i. the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
    - ii. the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
    - iii. the consumption of water on the premises recorded for the corresponding period in the previous year.

### **Arrears**

12. (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following statements -
- (a) the amount in arrears and any interest payable;
  - (b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice;