

- (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 (thirty) days or more in arrear, without further notice;
  - (d) that the defaulting consumer's name may be made public in any manner determined by Council and/or listed with a credit bureau or any other equivalent body as a defaulter;
  - (e) that the account may be handed over to a debt collector or attorney for collection;
  - (f) proof of registration as an indigent consumer, in terms of the Council's indigent policy, must be handed in before the final date of the final demand notice;
  - (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services;
  - (h) that an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b).
- (4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order towards payment of—
- (a) the current account;
  - (b) arrears; and
  - (c) interest.
- (6) The Council may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail, to the last recorded address of the consumer.
- (a) A discontinuation notice informing such consumer that the provision of water services has been or will be discontinued within seven (7) days from a date specified in the discontinuation notice, subject to the limitation of FBW as determined by National Policy from time to time;
  - (b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected.
- (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of Subsections 3(a) to (g) must be delivered in the manner stipulated in Subsection 1, informing the consumer that no further representation may be made.
- (8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice (Act No. 3 of 2000) having been observed, save that Council's reasons for its decision to act must be supplied within seven days if requested, Council may discontinue the supply of water services to a customer (subject to the limitation of FBW as determined by National Policy from time to time) if —

- (a) Full payment was not received within the period stated in the final demand notices stated in subsections (3) and (7);
- (b) No agreement was concluded for the repayment of arrear amounts in instalments;
- (c) No proof of registration as an indigent has been made within the periods contained in the final demand notices stated in subsections (3) and (7);
- (d) No payment was received in terms of an agreement for the repayment of arrears;
- (e) No representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection (3); and
- (f) The representations made in terms of subsection (3)(h) have not wholly been acceded to by Council.

(9) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days –

- (a) the defaulting consumer's name may be made public in a manner determined by Council and/or listed with a credit bureau or any other equivalent body as a defaulter, and
- (b) may be handed over to a debt collector or an attorney for collection.

(10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.

(11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.

(12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, which are payable, are paid in full.

(13) The Council will not be liable for any loss or damage suffered by a consumer due to his/her or its water services being disconnected.

(14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full.

#### **Agreement for the payment of arrears in instalments**

13. (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments:

- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order –
- (a) towards payment of the current account;
  - (b) towards payment of arrears;
  - (c) towards payment of interest; and
  - (d) towards costs incurred in taking relevant action to collect amounts due and payable.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in Sub-Section (5) prevail.
- (5) Subject to any shorter period prescribed by Provincial or National legislation, the Council may, on an individual basis, allow a longer period than fifteen months for the payment of arrears if special circumstances prevail, that in the opinion of the Council warrants such an extension and which the consumer reasonably could not prevent or avoid. The consumer on request by the Council must furnish documentary proof of any special circumstances which will be considered by Council.
- (6) The Council must, in exercising his or her discretion under Sub-Section (5) have regard to a consumer's—
- (a) credit record;
  - (b) consumption;
  - (c) level of service;
  - (d) previous breaches of agreements for the payment of arrears in instalments; and
  - (e) any other relevant factors.
- (7) A copy of the agreement will, on request, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

## Part 6: Termination, limitation and discontinuation of water services

### Termination of agreement for the provision of water services

14. Subject to the provisions set out above dealing with the payment of any amounts due to the Council in respect of the provision of water services:

(1) A consumer may terminate an agreement for the provision of water services by giving to the Council not less than thirty working days' notice in writing of his or her intention to do so.

(2) The Council may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if -

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of Section (26) or to pay any tariffs or charges due and payable after the procedure set out in Section (11) was applied;
- (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.

(3) The Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

### Limitation and / or discontinuation of water services provided

15. Subject to the provisions of these By-laws dealing with the payment of any amount due to Council for the provision of water services and maintaining the status as an indigent consumer or household, (where applicable):

(1) The Council may limit or discontinue water services provided in terms of these By-laws -

- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
- (b) on failure to comply with any other provisions of these By-laws, after notice in terms of Section (26) was given;
- (c) at the written request of the consumer to whom the services are to be rendered;
- (d) if the agreement for the provision of services has been terminated in terms of Section (14) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- (e) the building on the premises to which services were provided has been demolished;
- (f) if the consumer has interfered with a limited or discontinued service; or
- (g) in an emergency, including circumstances brought about by weather conditions, but not limited thereto.

- (2) The Council will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

#### **Restoration of water services**

16. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service and level of service the consumer elected in terms of the agreement as soon as reasonably possible.

#### **Water Services via, and responsibility for a communal sewer**

17. The Council must provide sanitation services in respect of a communal sewer, only after the community served by that communal sewer has, by means of an association or other legal entity representative of the community, concluded an agreement with the Council for the maintenance and repair of the communal sewer. Any such services by Council must be rendered in terms of the concluded agreement read with the provisions of these By-laws.

#### **Obligations**

18. (1) The Council must take reasonable measures to realise the rights of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations in the Act.

(2) Notwithstanding this basic right, every head of a household, or a person in charge of a business enterprise or industrial undertaking or the representative of such a person, must make application to the Council for the provision of such water and sanitation services.

(3) If the Council is unable to meet the general requirements of all its consumers, it shall give preference to the provision of basic water and basic sanitation services to all its consumers.

- (4) The Council shall not be obliged to provide water services-
- (a) To consumers outside the defined limits of the Council's area of jurisdiction;
  - (b) Where, due to the topography but not limited thereto, water services cannot be provided economically and or cost effectively, or
  - (c) Where the necessary bulk infrastructure does not exist or is inadequate to serve additional customers.

## **Part 7: General provisions**

#### **Environmental Impact Assessments**

19. (1) If an environmental impact assessment (EIA) is required to be carried out before the provision of water services can be approved or commence, the applicant for the services shall be responsible for the commission of a suitable person/s to carry out the EIA and shall be responsible for the costs thereof.

(2) Once the application for water services has been approved, it will be the responsibility of the applicant, or applicant's representative to ensure that there is full compliance with the applicable legislation and the environmental management procedures as indicated by the EIA.

**Responsibility for compliance with these By-laws**

20. (1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation.

(2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any installation.

(3) The Council may at any time and before a Clearance Certificate in respect of rates and taxes payable on premises is issued, and in its sole discretion, require from the owner of premises to supply it with a certificate by a qualified plumber that the water and sanitation installations and any improvements on the premises comply fully with the provisions of these By-laws.

**Exemption**

21. (1) The Council may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Council shall not grant exemption from any section of these By-laws that may result in -

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of these By-laws ; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

(2) The Council may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).

**Unauthorised use of water services**

22. (1) No person may gain access to water services from a source other than Council without the permission of Council, except than rainwater tanks that are not connected to the water installation.

(2) Notwithstanding the provisions of subsection (1), a person who, at the commencement of these By-laws, has been using water services from another source, may continue to do so-

- (a) for a period of sixty days after he, she or it has been given written notice that application must be made for approval;
- (b) thereafter until the approval is granted if it is not granted within the period;

- (c) for a reasonable period thereafter within the discretion of Council, if the application for approval is refused.
- (3) In granting the approval, the Council may require the applicant to:
- (a) supply such services as may be specified in the approval, to others on reasonable terms, such terms to be specified by the Council;
  - (b) provide Council with proof, to its satisfaction, at his or her own cost, that the water referred to in (1) complies or will comply to the requirements of SABS Code 241:1999 (Fourth Edition): – Drinking Water, or any other requirement in these By-laws or contained in the Act, or that the water does not or will not constitute any danger to health.
- (4) Any permission granted in terms of (1) may be withdrawn if, in the opinion of Council –
- (a) a condition given in terms of these By-laws has been breached, or,
  - (b) the water no longer conforms to the requirements set out in (3)(b)
- (5) The provisions of Section 41 shall apply to any meter or monitoring device installed in terms of (5).
- (6) The Council may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services provided by Council, without an agreement with the Council for the rendering of those services,
- (a) to apply for such services in terms of Sections 2 or 3; and
  - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws.
- (7) The provisions of Section 26 shall apply to a notice in terms of Sub-Section (2) and (4) above.

#### **Change in purpose for which water services are used**

23. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Council

#### **Interference with water supply system or any sanitation services**

24. (1) No person other than the Council shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised agent.

(2) No person other than the Council shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

#### **Obstruction of access to water supply system or any sanitation services**

25. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.

(2) If a person contravenes Sub-Section (1), the Council may -

- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
- (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

**Notices and documents**

26. (1) A notice or document issued by the Council in terms of these By-laws must be deemed to be duly authorised if the authorised agent signs it.

(2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by -

- (a) delivering it to him or her personally or to his or her duly authorised agent;
- (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
- (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
- (g) if service cannot be effected in terms of Sub-Sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.

(3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

**Power to serve and compliance with notices**

27. (1) The Council may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or of any condition imposed there under to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.

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

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) limiting or discontinuing the provision of services; and
- (c) instituting legal proceedings.

(3) A notice in terms of Sub-Section (1) will -

- (a) give details of the provision of the By-laws not complied with;



- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Council within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the Council –
  - i. may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
  - ii. may take any other action it deems necessary to ensure compliance.

(4) In the event of an emergency the Council may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.

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

#### **Power of entry and inspection**

28. (1) A Council official may enter and inspect any premises –

- (a) for the purposes set out in and in accordance with the provisions of Section 79 of the Act;
- (b) for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

#### **False statements or information**

29. No person shall make a false statement or furnish false information to the Council or falsify a document issued in terms of these By-laws.

#### **Offences**

30. (1) It is an offence for any person to –

- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
- (b) obstruct, interfere or hinder a designated officer who is exercising a power in terms of these By-laws or
- (c) carrying out a duty under these By-laws;
- (d) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;

- (e) give false or misleading information to a designated officer ;
- (f) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
- (g) pretend to be a designated officer ;
- (h) falsely alter an authorization to a designated officer or written authorization,
- (i) compliance notice or compliance certificate issued in terms of this Chapter;
- (j) enter any premises without a written authorization in circumstances requiring such authorization;
- (k) act contrary to a written authorization issued in terms of this Chapter,
- (l) without authority –
  - i. enter or inspect premises;
  - ii. carry out any act mentioned in section 28(1);
- (m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
  - i. to a person who requires that information in order to perform a function or
  - ii. exercise a power in terms of these By-laws;
  - iii. if the disclosure is ordered by a court of law; or
  - iv. if the disclosure is in compliance with the provisions of any law.
- (n) contravene or fail to comply with any provisions of these By-laws;
- (o) fail to comply with any notice issued in terms of these By-laws;
- (p) fail to comply with any lawful instruction given in terms of these By-laws; or
- (q) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws,

(2) Any person found guilty of a contravention of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000,00 for every day during the continuance of such offence after a written notice from the municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment to imprisonment for a period not exceeding 8 months.

#### **Availability of By-laws**

31. (1) A copy of these By-laws shall be included in Council's Municipal Code as required in terms of Section 15 of the Systems Act, 2000.
- (2) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of these By-laws may be obtained in accordance with the provisions of Council's Manual on the Promotion of Access to Information Act, 2 of 2002.

## **CHAPTER II: Water supply services**

### **Part 1: Connection to water supply system**

#### **Provision of connection pipe**

32. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form. Council shall supply a connection point and water meter at the boundary to the premises after payment by the applicant of the prescribed connection fees..

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension if the applicant pays for the costs involved.

#### **Location of connection pipe**

33. (1) A connection pipe provided and installed by the Council shall -

- (a) be located in a position as decided by Council or in such other position as agreed to between the owner and the Council subject to cost and the other considerations in the sole discretion of the Council;
- (b) terminate at the boundary of the land owned by or vested in the Council, or over which it has a servitude or other right; or the outlet of the water meter if it is situated on the premises;

(2) In reaching agreement with an owner concerning the location of a connection pipe, the Council shall ensure that the owner is aware of

- (a) practical restrictions that may exist regarding the location of a connection pipe;
- (b) the cost implications of the various possible locations of the connection pipe;

(3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.

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

(5) An owner must pay the prescribed connection charge.

**Provision of single water connection for supply to several consumers on same premises**

34. (1) Only a single connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(2) The person having the charge or management of the premises, as the case may be, will be liable to the Council for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.

(3) Notwithstanding Sub-Section (1), the Council may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

(4) Where the provision of more than one connection pipe is authorised by the Council under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

**Interconnection between premises or water installations**

35. An owner of premises shall ensure that no interconnection exists between –

(a) the water installation on his or her premises and the water installation on other premises; or

(b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the Council, and complies with any conditions that it may have imposed.

**Disconnection of water installation from connection pipe**

36. The Council may disconnect a water installation from the connection pipe and remove the connection pipe if –

(a) the agreement for supply has been terminated in terms of Section (14) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or

(b) the building on the premises concerned has been demolished.

**Part 2: Communal water services works**

**Provision of a water services work for water supply to several consumers**

37. (1) A Council may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of service, tariffs that will be payable and the location of the work.

### **Part 3: Temporary supply**

#### **Water supplied from a hydrant**

38. (1) The Council may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.

(2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water services in terms of Section (2).

(3) The supply of water in terms of Sub-Section (1) must be measured.

(4) The Council may for purposes of measuring provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Council and will be provided subject any conditions imposed by the Council.

### **Part 4: Standards and general conditions of supply**

#### **Quantity, quality and pressure**

39. Water supply services provided by the Council must comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

#### **General conditions of supply**

40. (1) The Council may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer must obtain Council's prior written permission, and will be responsible to install such devices necessary to achieve the required height at his or her own cost.

(2) The Council may, in an emergency, interrupt the supply of water to any premises without prior notice.

(3) If in the opinion of the Council the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

## Part 5: Measurement of water supply services

### Measuring of quantity of water supplied

41. (1) The Council must measure the quantity of water supplied at regular intervals not exceeding 30 (thirty) days or such longer period as may be determined by Council Resolution from time to time.
- (2) Any measuring device through which the Council supplies water to a consumer and its associated apparatus shall be provided and installed by the Council, shall remain its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of Sub-Section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall -
- (a) provide a place satisfactory to the Council in which to install it;
  - (b) ensure that unrestricted access is available to it at all times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation;
  - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device.
- (6) No person other than an authorised agent shall -
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Council has placed on a meter; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The Council may require the installation, at the owner's expense, of a measuring device to each dwelling unit in separate occupancy on any premises, for determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

(9) Non-compliance with the period of 30 (thirty) days in (1) does not disentitle the Council from collecting any money due to it by a consumer.

**Quantity of water supplied to consumer**

42. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council in terms of any provision of these By-laws, it will, for the purposes of these By-laws, be deemed, unless the contrary is proved by the consumer, that -

- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the measuring device was accurate during such period;
- (c) the entries in the records of the Council were correctly made; and
- (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water shall be deemed to be correct.

(2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account estimate, in accordance with Sub-Section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

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

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

(4) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any measuring device installed by the Council on any premises to be measured at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

(5) The Council must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.

(6) If a contravention of Sub-Section 41(6) occurs, the consumer shall pay to the Council the cost of such quantity of water as in the Council's opinion was supplied to him or her.

(7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.

(8) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Council may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

(9) A tariff or charge determined in terms of Sub-Section (8) will be based on the estimated average consumption of water supplied to that zone.

(10) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

#### **Defective measurement**

43. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Council is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.

(2) The provisions of Sections 11(8) to 11(12) will apply to such an application.

#### **Special measurement**

44. (1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of a measuring device referred to in Sub-Section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Council.

(3) The provisions of Sections 41(5) and 41(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-Section (1).

#### **No reduction of amount payable for water wasted**

45. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

#### **Adjustment of quantity of water supplied through defective measuring device**

46. (1) If a measuring device is found to be defective in terms of Section 10 or 11, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over



- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
- (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- (c) the period between three successive measurements prior to the measuring device becoming defective;

whichever it considers the most appropriate.

(2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of Sub-Section (1), the Council may estimate the quantity on any basis that is available to it.

## Part 6: Installation work in respect of water supply

### Approval of installation work

47: (1) If an owner wishes to have installation work done, the owner must ensure that the installation work complies fully with the requirements as set out in the National Building Regulations and or any other By-law adopted by Council from time to time.

(2) If any of the work is governed by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorisation in regard thereto.

(3) Application for the approval referred to in Sub-Section (1) shall be made on the prescribed form and shall be accompanied by -

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the Council,
- (c) a certificate certifying that the installation has been designed in accordance with the requirements as set out sub sections (1) and (2) above.

(4) The provisions of Sub-Sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

(5) Authority given in terms of Sub-Section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.

(6) If installation work has been done in contravention of Sub-Section (1) or (2), the Council may by written notice require the owner of the premises concerned to -

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

### Persons permitted to do installation and other work

48. (1) No person who is not a qualified plumber may-

- (a) be permitted to do any installation work other than the replacement or repair of an existing pipe or water fitting,
- (b) replace a fixed water heater or its protective devices;

- (c) inspect, disinfect or test a water installation, fire installation or storage tank;
  - (d) service, repair or replace a back-flow preventer, or
  - (e) install, maintain, or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber, to do the work in (1)
- (3) Notwithstanding the provisions of Subsection (1), the Council may permit a person who is not a qualified plumber, to do the installation work on his or her own behalf, on premises occupied solely by him or herself, and his or her own household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

#### **Provision and maintenance of water installations**

49. An owner must provide and maintain his or her water installation at his or her own cost.

#### **Use of pipes and water fittings to be authorised**

50. No person shall, without the prior written authority of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is approved by the South African Bureau of Standards and bears the SABS/SANS mark of approval.

#### **Unlawful water installation work**

51. Where any installations work has been constructed in contravention of these By-laws, the owner must, on receiving s compliance notice from Council, carry out such alterations as instructed in the notice.

#### **Labelling of terminal water fittings and appliances**

52. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures –
  - i. 20 kPa
  - ii. 100 kPa
  - iii. 400 kPa

## **Part 7: Water pollution, restriction and wasteful use of water**

#### **Owner to prevent pollution of water**

53. An owner shall provide and maintain approved measures to prevent the entry of any substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- (a) the water supply system; and

(b) any part of the water installation on his or her premises.

### **Water restrictions**

54. (1) The Council may, by public notice to prevent the wasteful use of water in terms of Section (54) or in the event of a water shortage, drought or flood -

- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
  - i. specified purposes;
  - ii. during specified hours of the day or on specified days; and
  - iii. in a specified manner; and
- (b) determine and impose –
  - i. limits on the quantity of water that 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 Sub-Section (1)(b)(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 disposition 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 Council may limit the application of the provisions of a notice contemplated by Sub-Section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(3) The Council may -

- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
- (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section (26); and
- (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.

(4) The provisions of this section shall also apply in respect of water supplied directly by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of Sub-Section (1).

### **Waste of water unlawful**

55. (1) No consumer shall permit -

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist; or
  - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-Section (1).
- (3) If an owner fails to take measures as contemplated in Sub-Section (2), the Council shall, by written notice in terms of Section (26), require the owner to comply with the provisions of Sub-Section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Council may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Council.

## Part 8: Water Audit

### Water audit

56. (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Council undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the Council.
- (3) The audit must contain details in respect of –
- (a) the amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;
  - (c) the number of people living on the stand or premises;
  - (d) the number of people permanently working on the stand or premises;
  - (e) the seasonal variation in demand through monthly consumption figures;
  - (f) the water pollution monitoring methods;
  - (g) the current initiatives to manage demand for water;
  - (h) the plans to manage their demand for water;
  - (i) a comparison of the above factors with those reported in each of the previous three years (where available);
  - (j) estimates of consumption by various components of use; and
  - (k) a comparison of the above factors with those reported in each of the previous three years, where available.