

Part 9: General provisions

Notification of boreholes

57. (1) The Council may, by public notice, require -
- (a) the owner of any premises within the area of jurisdiction of the Council upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The Council may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Council, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (4) The Council may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
- (a) obtain approval from it for the continued use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for irrigation purposes; and
 - (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of water

58. (1) The Council may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in Sub-Section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

Supply of non-potable water by Council

59. (1) The Council may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Council may impose.
- (2) Any supply of water agreed to in terms of Sub-Section (1) shall not be used for domestic or any other purposes, which, in the opinion of the Council, may give rise to a health risk.

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

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Council or the malfunction of a treatment plant.

Testing of pressure in water supply systems

60. The Council 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.

Pipes in streets or public places

61. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council and subject to such conditions as it may impose.

CHAPTER III: Sanitation Services

Part 1: Standards and general provisions

Standards for sanitation services

62. Sanitation services provided by the Council will comply with the minimum standards set for the provision of sanitation services in terms of the Section (9) of the Act.

Objectionable discharge to sewage disposal system

63. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -

- (a) which does not comply with the standards and criteria prescribed in section (79), (80), (81) below;
- (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;

- (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Council for the sewage disposal system, other than in compliance with the permissions issued in terms of these By-laws; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any stormwater, or rain water to enter the sewage disposal system.
- (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures that would ensure compliance with these By-laws and to report such findings to Council or its authorised agent.
- (4) If any person contravenes any provision of Sub-Section (1) or Sub-Section (2) he or she shall within twelve hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

Part 2: On-site sanitation services and associated services

Application for infrastructure

64. (1) If an agreement for on-site sanitation and associated services in accordance with Section (2) exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –
- (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) with the approval by the Council and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the Council.
- (2) The Council may specify the type of on-site sanitation services to be installed.

Services associated with on-site sanitation services

65. (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined by the Council.

- (2) Copies of the collection and removal schedules will be available on request.

Charges in respect of services associated with on-site sanitation services

66. (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.

(3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the Council may charge a fixed charge as prescribed.

(4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

Part 3: Sewage disposal

Provision of a connecting sewer

67. (1) If an agreement for the use of the sewage disposal system in accordance with Section (2) exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and –

(a) pay the prescribed charge for the installation of such a connecting sewer; or

(b) with the approval by the Council and at the request of the owner, install the connecting sewer in accordance with any specifications of the Council.

(2) If an application is made for use of the sewage disposal system to premises that is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

68. (1) A connecting sewer provided by the Council or owner in terms of section (68) shall -

- (a) be installed subject to such conditions regarding its size and other technical specifications as Council, or its authorised officer may deem fit and be located in a position agreed to between the owner and the Council;
- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or over which it has a servitude or other right or when Sub-Section (3) applies, at the connecting point designated in terms of that Sub-Section;

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

- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) the cost implications of the various possible locations of the connecting sewer;
- (c) any other practical or technical requirement that Council may deem necessary for the effectiveness of the connecting sewer.

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

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

(5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the Council.

Provision of one connecting sewer for several consumers on same premises

69. (1) Notwithstanding the provisions of Section (69) only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Council may, in its discretion, provide and install either -

- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or

(b) a separate connecting sewer for each accommodation unit or any number thereof.

(3) Where the Council has installed a single connecting sewer as contemplated in Sub-Section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -

(a) must if the Council so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units a separate connecting sewer; and

(b) will be liable to the Council for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

(4) Notwithstanding Sub-Section (1), the Council may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from 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 connecting sewer.

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

Interconnection between premises

70. An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, 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 draining installation from connecting sewer

71. The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

(a) the agreement for provision has been terminated in terms of Section (13) and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or

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

Part 4: Sewage delivered by road haulage

Acceptance of sewage delivered by road haulage

72. (1) The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Council's sewage treatment plants by road haulage.

Written permission for delivery of sewage by road haulage

73. (1) No person shall discharge sewage into the Council's sewage treatment plants or sewer network by road haulage except with the prior written permission of the Council and subject to such period and any conditions that may be imposed terms of the written permission.

(2) The Council shall assess the charges for any sewage delivered for disposal to the Council's sewage treatment plants in accordance with the prescribed tariffs of charges.

Conditions for delivery of sewage by road haulage

74. (1) When sewage is delivered by road haulage-

- (a) the time of delivery shall be arranged with the Council ; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the Council prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-laws.

Withdrawal of permission for delivery of sewage by road haulage

75. (1) The Council may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge sewage by road haul if the person –

- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed by Council, or in the written permission;
or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed charges in respect of any sewage delivered.

Part 5: Disposal of industrial effluent and trade premises

Application for disposal of industrial effluent

76. (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Council in terms of Section (1).

(2) The Council may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.

(3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.

(4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section (4) of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of Sub-Section (1).

Unauthorised discharge of industrial effluent

77. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without first having obtained permission to do so in terms of section 77(2) shall be guilty of an offence and liable, in addition to the penalties provided for in these By-laws, to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.

(2) Apart from the powers and rights of the Council in terms of subsection (1) and Section 79 the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of the By-laws including any of its Schedules or who has been the subject of any action taken by the Council in terms of Section 80(2) all loss, damages costs, expenses and fees incurred by the Council as a result of any loss or all of the following:

- (a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of-
 - i. the sewer;
 - ii. any sewage treatment plant;
 - iii. any mechanical appliance;
 - iv. any other property whatsoever whether or not under the control of the Council and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent

on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.

(3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

Quality standards for disposal of industrial effluent

78. (1) A person to whom permission has been granted in terms of Section 77 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council unless it complies fully with the standards and criteria determined by Council from time to time.

(2) The Council may in the written permission concerned, relax or vary the standards provided that the Council is satisfied that any such relaxation represents the best practicable environmental option.

(3) In determining whether relaxing or varying the standards for industrial effluent represents the best practicable environmental option the Council will consider -

- (a) whether the applicant's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council ;
- (d) the cost to the Council of granting the relaxation or variation; and
- (e) the environmental impact or potential impact of such a relaxation or variation.

(4) Council may, through a duly authorised person take test samples at any time to ascertain whether the industrial effluent complies with any other standard laid down in a written permission.

Conditions for disposal of industrial effluent

79. (1) The Council may in the written permission or at any time, by written notice, require a person to -

- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the Council will ensure that the industrial effluent conforms to the standards prescribed in Schedules A before being discharged into the sewage disposal system;
- (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Council will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;

- (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
- (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
- (e) provide all such information as may be required by the Council to enable it to assess the tariffs or charges due to the Council ;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- (g) cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Council and copies of the calibration to be forwarded to it; and
- (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Council and provide it with the results of these tests when completed.

(2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of Sub-Section (1) shall be borne by the permit holder concerned.

(3) The written permission of the Council must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

(4) In the event that industrial effluent that does not comply with the standards as determined by Council or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Council must be informed of the incident and the reasons therefore within twelve hours of such discharge.

Withdrawal of written permission for disposal of industrial effluent

80. (1) The Council may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed by Council or the written permission;
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; or

- (c) fails to pay the assessed charges in respect of any industrial effluent discharged as may be determined by Council from time to time.
- (2) The Council may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these By-laws, and on 14 (fourteen) days' written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Council's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-laws.

Part 6: Determining charges for volumes of effluent discharged to sewage disposal system

Quantity of standard domestic effluent discharged

81. (1) The volume of standard domestic effluent discharged shall be determined by the size of the specific premises to which Council or its authorised agent supplies water. If the total charges for the discharged effluent for a specific premises are excessive, having regard to the purposes for which water is consumed on those premises, the Council or its authorised agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

Volume of industrial effluent discharged

82. (1) The volume of industrial effluent discharged into the sewage disposal system shall be determined -

- (a) where a measuring device is installed:- by the volume of industrial effluent discharged from a premises as measured through that measuring device; or
- (b) where no measuring device is installed:- by application of the formula determined by Council from time to time.

(2) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, Council or its authorised agent may on application adjust the sewerage tariff which is related to the water consumption pertaining to the premises.

Part 7: Drainage installations

Construction or installation of drainage installations

83. (1) Any drainage installation constructed or installed must comply with SABS Code 0900-1990 Part P Drainage and any other applicable specifications prescribed in terms of the Act.

(2) From date of publication of these By-laws, where a drainage installation is a toilet it shall be a waterborne toilet system or a waterless biological toilet. If the drainage system is a waterless biological toilet, it shall comply with the specifications set out below:

(a) Operation: The biological toilets shall be capable of treating and stabilising human toilet waste by means of:

- i. Separation of the liquid and solid waste;
- ii. Dehydration and evaporation of the solid and liquid waste respectively;
- iii. Reducing the volume of the solid waste via dehydration;
- iv. Allow for simple removal of the solid waste by means of a rake and collection in a container.

(b) Operational and Functional Requirements: The biological toilet system shall-

- i. not require continuous dosing of chemicals or enzymes;
- ii. operate as an aerobic reactor;
- iii. not require electricity to operate under normal conditions;
- iv. be odourless under normal operating conditions
- v. not attract flies;
- vi. have a positive extraction ventilation system.

(c) The system features: The system shall comprise of the following-

- i. A top unit onto which the concrete for the floor slab is casted
- ii. The top unit shall have a manhole cover for access into and removal of dried waste from the system;
- iii. The manhole cover area shall be raised above ground level and constructed in such a way to allow for heat build-up within the reactor, in order to create convectional flow of air;
- iv. A ventilation outlet pipe with a wind driven ventilation extraction unit mounted on top of the reactor;
- v. The ventilation unit shall be manufactured in aluminium and shall have a sealed nylon bearing. The extractor shall have a diameter of more than 300mm;
- vi. All plastic components must be supplied in black UV stabilised polyethylene plastic;
- vii. All other components must be supplied in plastic or stainless steel;
- viii. The system shall be supplied with an outlet chute of at least 200 mm in diameter.

Drains in streets or public places

84. No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council and subject to such conditions as it may impose.

Construction by Council

85. The Council may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these By-laws or the Building Regulations, will be constructed by the Council against payment, in advance or on demand, of all costs associated with such construction.

Maintenance of drainage installation

86. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

(2) Any person who requests the Council to clear a drainage installation will be liable to pay the prescribed tariff.

(3) A Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

Installation of pre-treatment facility

87. A Council may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

Protection from ingress of floodwaters

88. Where a premises is situated in the 1 in 50 years flood-plain, or the 1 in 100 years flood-plain, the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level or 1 in 100 years flood-level, respectively, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.