

MKHONDO LOCAL MUNICIPALITY
MKHONDO MUNICIPAL COUNCIL
WATER SUPPLY SERVICES BY-LAWS

In terms of Section 156(2) of The Constitution of the Republic of South Africa, 1996; the provisions of Sections 11, 12 and 13 of the Local Government Municipal Systems Act, 2000, that Mkhondo Municipal Council at a meeting held on 06 January 2025 resolved to adopt the following Water Supply Services By-Laws for its area of jurisdiction and repealed all corresponding By-Laws of the disestablished municipal area of the Mkhondo Local Municipal with effect from the same date that the new By-Laws become effective:

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CHAPTER I

GENERAL PROVISIONS

Part 1

1. Definitions & Abbreviations

(1) In these by-laws, unless the context otherwise indicates-

“Accommodation unit” 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.

“Act” means the water services Act, 1997 (Act no. 108 of 1997), as amended from time to time;

“Approved” means approved by the Municipality;

“Authorised agent” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these by-laws;

“Backflow” means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;

“Preventer” preventer means any device that prevents backflow;

“Business unit” means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for a purpose other than a residential occupation;

“Borehole” means a hole sunk into the earth for the purpose of abstracting subsurface water including spring;

“Combined installation” relation to the water supply means an installation used for fire-fighting domestic, commercial or industrial purpose;

“Connection pipe” means a pipe, owned by the Municipality 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 1;

“Consumer” means-

- (a) Any occupier of any premises to which or on which the Municipality 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 Municipality 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 are provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide water service; or
- (b) The person that obtains access to water services that are provided through communal water services work;

“Day” means a 24 hours period commencing and ending at 00H00;

“Domestic purpose” in relation to the water supply means the general use of water for personal and residential uses, including health and hygiene, drinking culinary, ablution, household and garden maintenance:

“Dwelling unit” means an interconnected suite of rooms designed for residential purpose and occupation by a single household regardless of how many persons comprise the household;

“Emergency” means any situation that poses a risk or potential risk to life, health, the environment or property;

“Environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

“Fire hydrant” means a potable water installation that conveys water for firefighting purpose only; and “fire installation” shall have a similar meaning

“Household” means the family unit of persons or individual in the occupation of a building or part of a building designed for the residential purpose by that family unit or individuals;

“JASWIC” Joint Acceptance Scheme for Water Installation Components

“Water Supply Services” means the abstraction, conveyance, treatment and distribution of potable water; water intended to be converted to potable water or water for commercial use but not water for industrial use.

CHAPTER II:

APPLICATION, PAYMENT AND TERMINATION

PART 2: APPLICATION

2. Application for water supply services

(1) No person is entitled to access water supply services unless –

- (a) the application has been made to the Municipality on the form prescribed in terms of the Municipality's by-laws relating to credit control and debt collection; and
- (b) the application has been approved by the Municipality.

(2) Water supply services rendered to a customer by the Municipality are subject to these by-laws and the conditions contained in the relevant agreement.

3. Special agreements for water supply services

Where a person applies for water supply services, the Municipality may enter into a special agreement with that person for the provision of water supply services -

- (a) Within the area of supply, if the services applied for necessitating the imposition of conditions not contained in the prescribed form or these by-laws;
- (b) If the person is to receive subsidised services; and

(c) If the premises which are to receive the services are situated outside the area of supply, provided that –

(i) The municipality having jurisdiction over the premises has no objection to such special agreements; and

(ii) The obligation is on the person to advise the municipality of the special agreement.

4. Change in purpose for which water supply services are used

Where the purpose for or the extent to which water supply services used is changed, the onus and obligation are on the customer to advise the Municipality of the change and to enter into a new agreement with the Municipality.

PART 3: TARIFFS AND CHARGES

5. Prescribed tariffs and charges for water supply services

(1) All applicable charges, deposits, guarantees and sureties payable in respect of water supply services, in terms of these By-laws, including but not restricted to connection charges, fixed charges or any additional charges or interest (as determined by the Municipality from time to time), are determined by the Council in accordance with –

(a) The rates and tariff policy of the Municipality;

(b) Any relevant by-laws; and

(c) Any regulations under any national or provincial law.

(2) Applicable charges may differ for the different categories of customers and users of water supply services and according to the types and levels of water supply services, the quantity of water supply services, the infrastructure requirements, and the geographic areas and availability charges for water supply services.

6. Fixed charges for water supply services

(1) The Council may, in addition to the tariffs or charges determined for water supply services actually provided, levy a monthly fixed charge, an annual fixed charge or a once-off fixed charge where water supply services are available, whether or not such water supply services are consumed.

PART 4: PAYMENT

7. Payment of deposit

(1) Every consumer must on the application for the provision of water services and before the Municipality will provide such water services, deposit with the Municipality a sum of money as determined by the Municipality for the particular area.

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

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

- (b) Refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.
- (4) Subject to subsection (5) an amount deposited with the Municipality in terms of subsection (1) or (2) shall not be regarded as being in payment or part payment of an account due for water service rendered.
- (5) If upon the termination of the agreement for the provision of water service, an amount remains due to the Municipality in respect of water service rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer,
- (6) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water service may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

8. Payment for water supply services

(1) In respect of water supply services provided for any premises, the owner, occupier and customer are, in accordance with the Municipality's by-laws relating to credit control and debt collection, jointly and severally liable and responsible for payment of all applicable charges for water supply and for all water supply services consumed in respect of the premises shall-

- a) Water service provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Municipality from time to time.
- b) 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.
- c) The Municipality may estimate the quantity of water service 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 as estimated.
- d) If a consumer uses water supply service for category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged ,the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7 .
- e) A consumer must pay his or her account at an approved agent of the Municipality. A consumer shall remain liable for the payment of an account not paid with the Municipality, its authorised agent or approved agent.
- f) A Municipality must inform a consumer as to whom the approved agents for payment of account are.

9. Accounts

- 1) The monthly account will be rendered to consumers for the amount due and payable for water supply services, at the address last recorded with the Municipality.
- 2) Failure by the Municipality 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 Municipality for water supply 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 subsection (3) a late payment charge or interest as may be prescribed must be paid by the consumer to the Municipality.
- 5) Account must-
 - (a) Show the following –
 - (i) The consumption or estimated consumption;
 - (ii) Consumption period;
 - (iii) The applicable tariffs;
 - (iv) The amount due in terms of the consumption;
 - (v) The amount due and payable for any other service rendered by the Municipality,
 - (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 Municipality for payment of the arrears in instalment, at the Municipality'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 Municipality will limit municipal services after sending a final demand notice to the consumer;
 - i. Legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears in accordance with the Municipality's credit control and debt collection By-laws;
 - ii. The defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - iii. The account may be handed over to a debt collector for collection;
 - iv. Proof of registration, as an indigent consumer, in terms of the Municipality's indigent policy must be handed in before the final date for payment; and
 - v. An indigent consumer is only entitled to basic water service plus the indigent entitlement.

10. Queries or complaints in respect of account.

- (1) Consumers may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of accounts to him, her or it;
- (2) A query or complaint must be lodged with the Municipality 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 Municipality will register the query or complaint and provide the consumer with a reference number;
- (5) The Municipality shall-
 - (a) Investigate or cause the query 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.

11. Appeals against a finding of Municipality in respect of queries or complaints

- (1) A consumer may in writing appeal against the Municipality in section 10;
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after the consumer became aware of the finding referred to in section 10 and must:
 - a. Set out the reason for the appeal;
 - b. Lodge the appeal with the Municipality 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 Municipality may on appeal by a consumer request him/her 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 appealed against, falling due and payable during the adjudication of the appeal;
- (5) The Municipality 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 Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, she or it is informed of the outcome of the appeal;
- (7) The Municipality 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 subsection (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 consumers will be liable for the costs of such test and any other amounts outstanding, such costs will be debited against the consumer's accounts
 - (b) Outside a prescribed range of accuracy, the Municipality 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 subsection (2) (c) if applicable may be:

- (a) Retained by the Municipality if the measuring devices are found not to be defective or;
- (b) Refunded to the applicant if the measuring device is found in terms of those subsections to be defective.

(11) A measuring device shall be deemed to be defective if it does not meet generally accepted specifications as set out in the regulations published under section 9 of the act when tested in accordance with industrial standards.

(12) In addition to subsection (10), if the measuring device is found to be defective the Municipality must:

(a) Repair the measuring device or install another device which is in good working condition, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 28 (6); and

(b) Determine the quantity of water service for which the consumer will be charged in lieu of the quantity measured. The Municipality may decide:

(i) The quantity representing the average monthly consumption of the consumer during the three 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.

12. Arrears

(1) If a consumer fails to pay the amounts 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, by registered mail, to the most recent recorded address of the consumer.

(2) Failure to deliver or send a final demand notice does not relieve consumers from paying such arrears.

(3) The final demand notice contains the following statement:

(a) The amounts in arrears and any interest payable ;

(b) That the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalment within 14(fourteen) days of the date of the final demand notice;

(c) That if no such agreement is entered into within the stated period that the municipal 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 function notice ;

(d) That the defaulting consumer's name may be made public in any manner determined by Municipality 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 Municipality'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 service and that an indigent consumer will be liable for payment in respect of water service used in excess of the number 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 Municipality 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 as a reduction of the consolidated debt in the following order towards payment of
- (a) The current account ;
 - (b) Arrears; and
 - (c) Interest.
- (6) The Municipality may, after the 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 municipal 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 provision of the promotion of Administrative justice (Act No. 3 of 2000) having been observed , save that Municipality's reasons for its decision to act must be supplied within seven days if requested, Municipality may discontinue the supply of water service 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 subsection (3) and (7);
 - (b) No agreement was concluded for the repayment of arrears amount in instalments;
 - (c) No proof of registration as an indigent has been made within the periods contained in the final demand notice 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 Municipality.
- (9) When an account rendered to a consumer remains outstanding for more than 90 (ninety) days

- (a) The defaulting consumer's name may be made public in a manner determined by Municipality 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 Municipality 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 Municipality 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 were 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.

13. Agreement for the payment of arrears in instalments:

- (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 instalment.
- (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, the amount 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 subsection (5) prevail.
- (5) Subject to any shorter period prescribed by provincial or national legislation, the Municipality 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 Municipality warrants such an extension and which the consumer reasonably could not prevent or avoid.

The consumers on request by the Municipality must furnish documentary proof of any special circumstances which will be considered by Municipality.

(6) The Municipality must, in exercising his or her discretion under subsection (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 5: TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

14. Termination of agreement for the provision of water supply services

(1) A customer may terminate an agreement for the provision of water supply services by giving the Municipality not less than thirty (30) working days' notice in writing of his or her intention to terminate the agreement.

(2) The Municipality may, by notice in writing of not less than 14 days, advise a customer of the termination of his or her agreement for the provision of water supply services if:

(a) The customer has not used the water supply services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;

(b) the customer has –

(i) Failed to comply with the provisions of these by-laws and, on receiving notice in terms of section 56, has failed to remedy the non-compliance; or

(ii) failed to pay any tariffs or charges due and payable by him or her after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed; and

(c) In terms of an arrangement made by the Municipality with another water supply services institution, such an institution is to provide water supply services to the customer.

(3) The Municipality may, after having given notice in terms of subsection (2) Terminate an agreement for the provision of water supply services if the customer has vacated the premises to which the agreement relates.

15. Restriction and discontinuation of water supply services

(1) The Municipality may restrict or discontinue water supply services that are provided for the premises of a customer in terms of these by-laws if –

(a) The customer has failed to pay the applicable charges on the date specified, after the procedure set out in the Municipality's by-laws relating to credit control and debt collection has been followed;

(b) The customer has failed to comply with any other provisions of these by-laws after notice in terms of section 56 has been given;

(c) The customer has in writing requested the restriction or termination;

(d) The agreement for the provision of water supply services has been terminated in terms of section 8 and the Municipality has not subsequently received an application for water supply services to the premises within a period of 60 days of the termination;

(e) The building on the premises has been demolished;

(f) The customer has interfered with restricted or discontinued water supply services;

(g) An emergency or emergency situation arises; or

(h) The customer has, for the purposes of gaining access to water supply services, interfered or tampered with or damaged any main, communication pipe, meter or other plant or apparatus belonging to the Municipality or has caused or permitted such interference, tampering or damage.

(2) The Municipality is not liable for any damages or claims that may arise from the restriction or discontinuation of water supply services in terms of subsection (1) Including damages or claims that may arise due to the restriction or disconnection of water supply services by the Municipality in the bona fide belief that the restriction or discontinuation was justified in terms of the provisions of subsection (1).

(3) The Municipality may, where water supply services have been discontinued in terms of the provisions of these by-laws, restore the water supply services only when the applicable charge for the discontinuation and reconnection of the water supply services has been paid.

16. Restoration of water supply services

When a customer enters into an agreement for the payment, in instalments, of his or her arrears after the restriction or disconnection of his or her water supply services in terms of section 13 due to non-payment, the water supply services shall be restored, within seven (7) working days of entering into such agreement, to the types of water supply services the customer chose under his or her agreement for the provision of water supply services.

CHAPTER III

CONDITIONS FOR WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

17. Provision of water supply connection pipe

(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 must apply on the prescribed form and pay the applicable charge for the installation of the connection pipe.

(2) If an application is made for water supply services to premises and such water supply services are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension, modification or upgrading, provided that the owner pays for the cost of the extension, modification or upgrading, which cost is determined by the Municipality.

(3) Only the Municipality may install a connection pipe on premises, and the owner or customer may connect the water installation to the connection pipe.

(4) No person may commence with any development on any premises unless the Municipality has installed a connection pipe and meter on the premises.

18. Location of the connection pipe

(1) A connection pipe provided and installed by the Municipality shall:

(a) Be located in a position determined by the Municipality and be of a suitable size determined by the Municipality, and

(b) Terminate at-

(i) The boundary of the land owned by or vested in the Municipality or an authorised agent, or over which the Municipality has a servitude or other right; or

(ii) The outlet of the meter or isolating valve if the meter or isolating valve, as the case may be, is situated on the premises.

(2) The Municipality may on application by any person agree, subject to such conditions as the Municipality may impose, to a connection to a main other than that which is most readily available for the supply of water to the premises, provided that the applicant is responsible for -

(a) Any extension of the water installation to the connecting point designated by the Municipality; and

(b) Obtaining, at his or her cost, such servitudes over other premises as may be necessary.

(3) Before a water connection can be affected, the owner of the premises must pay in advance the applicable charge for connection.

19. Provision of single water connection for supply to several customers on the same premises

(1) Notwithstanding the provisions of section 17, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of dwelling units, business units or customers located on such premises.

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

(a) A single measuring device in respect of the premises as a whole or in respect of any number of dwelling units; or

(b) A separate measuring device for each dwelling unit or any number of dwelling units.

(3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having charge or management of the premises, as the case may be:

(a) Must install and maintain on each branch pipe extending from the connection pipe to the different dwelling units –

(i) A separate measuring device; and

(ii) An isolating valve; and

(b) Is liable to the Municipality for the applicable charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by the measuring device.

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

(5) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the applicable charges for the provision of a connection pipe are payable by the owner or the person having charge or management of the premises in respect of each water connection so provided.

(6) Where premises are supplied by a number of connection pipes, the Municipality may require the owner to reduce, at the owner's expense, the number of connection points and alter the water installation accordingly.

20. The interconnection between premises or water installations

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

21. Disconnection of water installation from a connection pipe

The Municipality may disconnect a water installation from a connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services under these by-laws:

(a) The building on the premises concerned has been demolished;

(b) A person has unlawfully connected to a municipal pipe/infrastructure.

PART 2: STANDARDS, QUALITY, PRESSURE, QUANTITY, POLLUTION & SPECIFIC CONDITIONS OF SUPPLY

22. Standards

Water supply services provided by the Municipality shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

23. Quality

(1) The Municipality may take samples of water obtained from a source other than the water supply system and may cause the samples to be tested for compliance with the requirements referred to in section 22.

(2) The applicable charge for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom consent to use the water as potable water was granted in terms of section 64.

24. Testing of pressure in the water supply system

The Municipality may, on application by an owner of premises and on payment of the applicable charge;

(a) Determine the value of the pressure in the water supply system relating to the owner's premises over such period as the owner may request, and

(b) Inform the owner of such value.

25. Pollution of water

An owner of premises must take and maintain approved measures to prevent the entry into:

(a) The water supply system; and

(b) Any part of the water installation on his or her premises; of a substance that may be harmful or a danger to the health or well-being of any human or other living organism or may adversely affect the portability of water or its fitness for use.

26. Quantity and restrictions

(1) The Municipality may by public notice:

(a) Prohibit or restrict the consumption of water in the whole or in part of its area of jurisdiction:

(i) In general or for specified purposes;

(ii) During specified hours of the day or on specified days; and

(iii) In a specified manner.

(b) Determine and impose:

(i) A limit on the quantity of water that may be consumed over a specified period;

(ii) Charges additional to the applicable charges in respect of the supply of water, in addition to a limit contemplated in paragraph (b)(i); and

(iii) A general surcharge on the applicable charges in respect of the supply of water; and

(c) Impose restrictions or prohibitions on:

(i) The use or manner of use or disposition of an appliance by means of which water is used or consumed; or

(ii) The connection of such an appliance to the water installation.

(2) The Municipality may:

(a) Limit the application of the provisions of a notice contemplated in the subsection to specified areas and categories of customers, premises and activities; and

(b) Permit deviations and exemptions from, or the relaxation of, any such provisions on reasonable grounds.

(3) The Municipality may:

(a) Take, or by written notice require a customer at his or her own expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice contemplated in subsection (1); or

(b) Discontinue or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention of the provisions of a notice contemplated in subsection (1) on such premises or failure to comply with such notice, subject to notice in terms of section 50; and

(c) Where the supply has been discontinued in terms of paragraph (b), restore the supply only when the applicable charge for discontinuation and reconnecting the supply is paid.

(4) The provisions of this section also apply in respect of water supplied directly by the Municipality to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in a notice contemplated in subsection (1).

27. Specific conditions of supply

(1) Notwithstanding the provisions of section 3, the granting of a supply of water by the Municipality or an authorised agent does not constitute an undertaking by it that it will maintain at any time or at any point in its water supply system:

(a) An uninterrupted supply;

(b) A specific pressure or rate of flow in such supply; or

(c) A specific standard or quality of water.

(2) The Municipality may, subject to subsection (1) (b), specify the maximum height to which water will be supplied from the water supply system.

(3) If an owner requires that any standard referred to in subsection (1) be maintained on his or her premises, he or she must make provision in the water installation for the maintenance of such standard.

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

(5) If in the opinion of the Municipality, the consumption of water by a customer adversely affects the supply of water to another customer, the Municipality may apply such restrictions to the supply of water to the first-mentioned customer as the Municipality deems necessary to ensure a reasonable supply of water to the other customer, and the Municipality shall inform that first mentioned customer of the restrictions.

(6) The Municipality is not liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply.

(7) Every premises which requires, for the purpose of the work or activity undertaken on the premises, a continuous supply of water must have a water storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252-1 and have a capacity of not less than 24 hours of water supply calculated as the quantity required to provide for the average daily consumption, in which tank water can be stored for periods when the continuous supply is disrupted.

(8) No customer may resell water supplied to him or her by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold and may impose such other conditions as it deems fit.

PART 3: MEASUREMENT

28. Measuring the quantity of water supplied

The Municipality may provide a measuring device designed to supply either a controlled volume of water or an uncontrolled volume of water to a customer.

(1) The Municipality shall, at regular intervals, measure the quantity of water supplied through a measuring device designed to supply an uncontrolled volume of water.

(2) Any measuring device and its associated apparatus through which water is supplied to a customer by the Municipality shall be provided and installed by the Municipality, and such measuring device and associated apparatus remain the property of the Municipality and may be changed and maintained by the Municipality as it deems necessary.

(3) The Municipality may install a measuring device and its associated apparatus at any point on a service pipe.

(4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of the connection pipe and the meter, and such section shall be deemed to form part of the water installation.

(5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe on premises in terms of subsection (3), the owner of the premises:

(a) Must provide a place satisfactory to the Municipality in which to install the measuring device and its associated apparatus;

(b) Must ensure that unrestricted access is available to the measuring device and its associated apparatus at all times;

(c) Is responsible for the protection of the measuring device and its associated apparatus and is liable for the costs arising from damage to the measuring device and its associated apparatus, excluding damage arising from fair wear and tear;

(d) Must ensure that no connection is made to such service pipe between the measuring device and the connection pipe serving the installation;

(e) Must make provision for the drainage of water that may be discharged from such service pipe during the course of work done by the Municipality on the measuring device; and

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

(6) No person other than the Municipality may:

(a) Disconnect a measuring device and its associated apparatus from the pipe in which they are installed;

(b) Break a seal that the Municipality has placed on a meter, or

(c) In any other way interfere with a measuring device and its associated apparatus.

(7) In the event of the measuring device on premises being a meter, the Municipality may, if it is of the opinion that the size of the meter is unsuitable by reason of the quantity of water supplied to the premises, install a meter of such size as it deems necessary and may recover from the owner of the premises the applicable charge for the installation of the meter.

(8) Subject to the provisions of section 30, the Municipality may require the installation, at the expense of the owner of premises, of a measuring device to each dwelling unit on the premises to determine the quantity of water supplied to each dwelling unit, provided that where controlled-volume water delivery systems are used, a single measuring device may be used to supply more than one unit.

29. The quantity of water supplied to the consumer

(1) For the purposes of assessing the quantity of water that is measured by a measuring device installed by the Municipality and that is supplied to a customer over a specific period, it must be deemed, for the purpose of these by-laws, that, unless it can otherwise be proved:

(a) The quantity, in respect of a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between the measurements taken at the beginning and at the end of such period;

(b) The quantity, in respect of a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;

(c) The measuring device was accurate during such period; and

(d) The entries in the records of the Municipality were correctly made, provided that if water is supplied to or taken by, a customer without it passing through a measuring device, the estimate by the Municipality of the quantity of such water is deemed to be correct.

(2) Where water supplied by the Municipality to any premises is in any way taken by the customer without such water passing through a measuring device provided by the Municipality, the Municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.

(3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer must be based, as the Municipality may decide, on:

(a) The average monthly consumption of water on the premises registered during three successive measuring periods after the date on which the taking of water as contemplated in subsection (2) was discovered and rectified; or

(b) The average monthly consumption of water on the premises during any three consecutive measuring periods in the twelve-month period prior to the date on which the taking of water as contemplated in subsection (2) was discovered.

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

(5) The Municipality shall, within seven days of receiving a written notice from a customer and subject to payment by the customer of the applicable charge, measure the quantity of water supplied to the customer at a time or on a day other than that at which or on which it would normally be measured.

(6) If a contravention of subsection (2) occurs, the customer must pay to the Municipality -

(a) The cost of such quantity of water as in the Municipality's opinion was supplied to him or her; and

(b) The cost of rectifying the disconnection, break or interference, as the case may be.

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

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

(9) A basic tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to the supply zone.

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

30. Defective measurement

(1) If a customer has reason to believe that a measuring device supplied to him or her by the Municipality is defective, he or she may, against payment of the applicable charge, apply in writing for the measuring device to be tested.

(2) If the outcome of any test referred to in subsection (1) shows that a measuring device is –

(a) Within the range of accuracy prescribed by the Trade Metrology Act, 1973, the customer is liable for the cost of the test and any other amounts outstanding; or

(b) Outside the prescribed range of accuracy, the Municipality is liable for the cost of the test, in which case the customer must be informed of the amount of any credit to which he or she is entitled.

(3) The applicable charge paid in accordance with subsection (1) for the testing of a measuring device may be:

(a) Retained by the Municipality if the measuring device is found not to be defective in terms of this section, or

(b) Refunded to the customer if the measuring device is found to be defective in terms of this section.

(4) If a measuring device is –

(a) A meter to which the regulations relating to meters published under the Trade Metrology Act, 1973, is applicable, the measuring device shall be deemed to be defective if, when tested in accordance with SANS 1529-1, the measuring device is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of SANS 1529-1; or

(b) A meter of a size greater than 100 mm in diameter to which SANS 1529-1 is not applicable, the measuring device shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when

tested at the following percentages of design maximum rates of flow: (i) 75% or more of the design maximum flow; (ii) between 50% and 55% of the design maximum flow; and (iii) between 15% and 20% of the design maximum flow.

(5) Subject to subsection (3), the Municipality shall, if a measuring device is found to be defective in terms of this section –

(a) Repair the measuring device or replace it with another measuring device which is in good working order, at no charge to the customer unless the cost of the repair or replacement is recoverable from the customer owing to a contravention of section 28; and

(b) Determine the water supply services for which the customer is to be charged on the basis set out in section 28.

(6) A customer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the customer has any interest.

(7) Any meter removed for testing by the Municipality shall be retained intact and be available for inspection for a period of three months after testing.

31. Special measurement

(1) If, for purposes other than charging for water consumed, the Municipality requires that the quantity of water used in a part of a water installation on premises be ascertained, the Municipality may by written notice advise the owner of the premises of the Municipality's 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 subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.

(3) The provisions of section 28 apply in so far as they relate to a measuring device installed in terms of subsection (1).

32. No reduction in the amount payable for water wasted

A customer is not entitled to a reduction in the amount payable for water wasted or for water losses in a water installation.

33. Adjustment of the quantity of water supplied through the defective measuring device

(1) If a measuring device is found to be defective in terms of section 30(2) or (4), the Municipality may estimate the quantity of water supplied to the customer for the period in which, in its opinion, the measuring device was defective, and such estimate must be made on the following basis:

(a) The quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during the three months prior to the registration of the defect;

(b) If an estimate is not possible on the basis contemplated in paragraph (a), the quantity of water shall be based on the consumption of water on the premises served by the measuring device in the corresponding month of the previous year; or

(c) if an estimate is not possible on the basis contemplated in paragraph (a) or (b), the quantity of water shall be based on the average monthly consumption of water on the premises served by the measuring device during a period of three months after the repair or replacement of the measuring device has been affected.

(2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in accordance with subsection (1), the Municipality may estimate the quantity.

(3) When an adjustment contemplated in subsection (1) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the metering equipment was found to be inaccurate.

PART 4: AUDIT

34. Water audit

(1) The Municipality may require a customer to, within one month after the end of a financial year of the Municipality, undertake a water audit at the customer's own cost.

(2) The water audit referred to in subsection (1) must at least determine 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 customer's stand or premises;
- (d) The number of people permanently working on the customer's 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 demand for water;
- (i) A comparison of the factors contemplated in paragraphs (a) to (h) with those reported for each of the previous three years, where available; and
- (j) Estimates of consumption by various components of use.

PART 5: INSTALLATION WORK

35. Approval of installation work

(1) If an owner of premises wishes to have installation work done, he or she must first obtain the Municipality's written approval, provided that approval is not required –

- (a) In the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 10400 or in terms of any municipal by-laws; or
- (b) For the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) Application for the approval referred to in subsection (1) must be made on the prescribed form, which form must be accompanied by –

- (a) The applicable charge, if required;
- (b) Copies of such drawings as may be determined by the Municipality, giving information in the form required by clause 4.1.1 of SANS 10252-1; and

(c) a certificate certifying that the installation has been designed in accordance with SANS 10252-1 by a professional Engineer or an approved competent person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000).

(3) The authorisation obtained through the approval in terms of subsection (1) lapses on expiry of a period of 24 months from the date of the approval.

(4) Where approval is required in terms of subsection (1), a complete set of approved drawings in respect of the installation work must be available at the site of the work at all times until the work has been completed.

(5) If installation work has been done in contravention of subsection (1) or (2), the Municipality may require the owner –

(a) To rectify the contravention within a specified period; (b) if the work is in progress, to cease the work; and

(c) To remove all work that does not comply with these by-laws.

36. Persons permitted to do the installation and other work

(1) No person who is not a plumber or who is not working under the control of a plumber is permitted to –

(a) Do installation work other than the replacement or repair of an existing pipe or water fitting;

(b) Replace a fixed water heater or its associated protective devices;

(c) Inspect, disinfect or test a water installation, fire installation or storage tank;

(d) Service, repair or replace a backflow preventer; or (e) install, maintain or replace a meter in a water installation if such meter is provided by the owner of the premises on which the water installation is situated.

(2) No person may require or engage a person who is not a plumber to do the installation work or other work referred to in subsection (1).

(3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a plumber to do installation work on his or her own premises if the premises are owned and occupied solely by himself or herself and his or her immediate household, provided that such work is inspected and approved by a plumber at the direction of the Municipality.

37. Provision and maintenance of water installations

(1) An owner of premises must provide and maintain his or her water installation at his or her own cost and must, except where permitted in terms of sub-section 2, ensure that the water installation is situated within the boundary of his or her premises.

(2) If a portion of a water installation is situated outside the boundary of an owner's premises, the owner must, before doing any work in connection with the maintenance of that portion of the water installation, obtain the written consent of the Municipality or the written consent of the owner of the land on which that portion is situated, as the case may be.

38. Technical requirements for a water installation

Notwithstanding the requirement that a certificate is issued in terms of section 35, all water installations must comply with SANS 10252-1 and all fixed electrical storage water heaters must comply with SANS 10254.

39. Use of pipes and water fittings to be authorised

(1) No person may, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless the pipe or water fitting is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.

(2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.

(3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if –

(a) The pipe or water fitting bears the standardisation mark of the SABS in respect of the relevant South African National Standards specification issued by the SABS;

(b) The pipe or water fitting bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with a SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or

(c) The pipe or water fitting is included in the list of water and sanitation installations accepted by Joint Acceptance Scheme For Water Installation Components (JASWIC).

(4) The Municipality may, in respect of any pipe or water fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or water fitting.

(5) A pipe or water fitting must be removed from the schedule referred to in subsection (1) if –

(a) The pipe or water fitting no longer complies with the criteria upon which its inclusion in the schedule was based, or

(b) The pipe or water fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.

(6) The current schedule referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.

(7) The Municipality may sell copies of the schedule referred to in subsection (1) at the applicable charge.

40. Labelling of terminal water fittings and appliances

Any terminal water fitting or appliance using or discharging water must have the following information marked on the fitting or appliance or included within the packaging of the fitting or appliance:

(a) The range of pressure in kPa over which the water fitting or appliance is designed to operate; and

(b) The flow rate, in litres per minute, related to the design pressure range, provided that this information is given for at least the following pressures: 20 kPa, 100 kPa and 400 kPa.

41. Water demand management

(1) Notwithstanding the provisions of sections 54, no flushing urinal that is not user activated may be installed or continue to operate in any water installation. Any flushing urinal that is not user-activated and that was installed prior to the commencement of these by-laws must be converted to a user-activated urinal within two years of the commencement of these by-laws.

(2) No cistern and related pan designed to operate with the cistern may be installed if the cistern has a capacity of more than 9 litres, and any cistern not intended for public use must be fitted with a flushing device allowing interruptible or multiple flushes, provided that such flushing device is not required in a cistern with a capacity of 4,5 litres or less.

(3) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a showerhead with a maximum flow rate of more than 10 litres per minute may not be installed.

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

PART 6: COMMUNAL WATER SUPPLY SERVICES

42. Provision of water supply to several consumers

(1) The Municipality may install a communal standpipe for the provision of water supply services to several consumers at a location it deems appropriate, provided that the consumers to whom water supply services are to be provided through that communal standpipe have been consulted.

(2) The Municipality may provide communal water supply services through a communal installation designed to supply a controlled volume of water to several consumers.

43. Zonal control of water supply services

The Municipality may restrict the water supply to a supply zone to a quantity equal to not less than the total basic water supply for the estimated number of households residing in the supply zone.

PART 7: TEMPORARY WATER SUPPLY SERVICES

44. Water supplied from a hydrant

(1) The Municipality may authorise a temporary supply of water to be taken from one or more hydrants it specified, subject to –

- (a) Such conditions and such period as it may prescribe; and
- (b) Payment of such applicable charges as may be determined by the Council from time to time.

(2) A person who desires a temporary supply of water referred to in subsection (1) must apply for the water supply services in accordance with section 2.

(3) The Municipality shall, for the purposes of supplying water from a hydrant as contemplated in subsection (1), provide a portable meter, which portable meter must be returned to the Municipality on termination of the temporary supply, and such portable meter and all other fittings and apparatus used for the connection of the portable meter to the hydrant remain the property of the Municipality and are provided subject to any conditions imposed by the Municipality.

PART 8: BOREHOLES

45. Notification of boreholes

(1) In respect of any area of the Municipality, the Municipality may by public notice require –

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

(b) The owner or occupier of any premises who intends to sink a borehole on the premises to notify it on the prescribed form of his or her intention to sink a borehole before work in connection with the sinking of the borehole is commenced.

(2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole on the premises to conduct, to the satisfaction of the Municipality, an environmental impact assessment in respect of the proposed borehole before sinking the borehole.

(3) In respect of an owner or occupier of premises who has an existing borehole on the premises that is used for water supply services, the Municipality may by notice to the owner or occupier or by public notice –

(a) require the owner or occupier, as the case may be, to obtain approval from the Municipality for the use of the borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and

(b) Impose conditions in respect of the use of the borehole for potable water supply services.

PART 9: FIRE SERVICES CONNECTIONS

46. Connection to be approved by the Municipality

(1) The Municipality is entitled at its absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.

(2) No water may be supplied to any fire extinguishing installation unless –

(a) A certificate in accordance with section 35 has been submitted to the Municipality; and

(b) The installation complies with the requirements of these by-laws and any other by-laws of the Municipality.

(3) If in the opinion of the Municipality a fire extinguishing installation which it has allowed to be connected to the Municipality's main in terms of subsection (1) is not being kept in proper working order, is otherwise not being properly maintained, or is being used for purposes other than firefighting, the Municipality is entitled to –

(a) Require the customer to disconnect the installation from the main at the customer's expense; or

(b) Carry out the work of disconnecting the installation at the customer's expense.

47. Special provisions

In general, the provisions of SANS 10252-1 and SANS 10400 apply to the supply of water for firefighting purposes. Notwithstanding anything to the contrary contained in SANS 10252-1 and SANS 10400, the special provisions contained in these by-laws apply mutatis mutandis to the supply of water for firefighting purposes.

48. Payment for services

In respect of any fire extinguishing installation or fire extinguishing appliance used or installed on any premises, the customer and the owner of the premises are jointly and severally liable for payment of the applicable charges determined by the Municipality.

49. Dual and combined installations

All new buildings erected after the commencement of these by-laws must comply with the following requirements in respect of the provision of fire extinguishing services:

(a) If boosting of the water supply system is required, a water installation with a dual pipe system must be used, of which one pipe must be for fire extinguishing purposes and the other for general domestic purposes.

(b) A combined installation is permitted only where no booster pumping connection is provided on the water installation. In such a case a fire hydrant shall be provided by the Municipality, at the customer's expense, within 90m of the premises to provide a source of water for a fire tender to extinguish a fire.

(c) A combined installation where a booster pumping connection is provided is permitted only if the combined installation is designed and certified by a professional Engineer or an approved competent person.

(d) All pipes and fittings must be capable of –

(i) Handling pressures in excess of 1 800 kPa, which could be expected when boosting take place; and

(ii) Maintaining their integrity when exposed to fire conditions.

50. Connection pipes for fire extinguishing services

(1) After the commencement of these by-laws, a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services shall be provided by the Municipality.

(2) The Municipality shall provide and install at the cost of the owner a combination meter on the connection pipe referred to in subsection (1).

(3) A separate connection pipe must be laid and used for every fire sprinkler system unless otherwise approved.

(4) A connection pipe contemplated in subsection (3) must be equipped with a measuring device that will not obstruct the flow of water while operating.

51. Valves and meters in connection pipes

A connection pipe to a fire extinguishing installation must be fitted with a valve and a meter which shall be –

(a) supplied by the Municipality at the expense of the customer;

(b) Installed between the customer's premises and the main; and

(c) Installed in such position as may be determined by the Municipality.

52. Meters in fire extinguishing connection pipes

In respect of any premises, the Municipality is entitled to install a meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises is liable for all costs involved if it appears to the Municipality that water has been drawn from the connection pipe for purposes other than extinguishing a fire.

53. Sprinkler extinguishing installations

A sprinkler installation may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure in the main at any time.

54. Header tanks or duplicate supply from mains

(1) In respect of any sprinkler installation, the customer must install a header tank for the sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main, unless the sprinkler installation is provided with a duplicate supply from a separate main.

(2) The main pipe leading from a header tank contemplated in subsection (1) to the sprinkler installation may be in direct communication with the main, provided that the main pipe is equipped with a reflux valve which shuts off the supply from the main if, for any reason, the pressure in the main fails or is reduced.

(3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises on which the sprinkler installation is installed.

55. Sealing of private fire hydrants

(1) (a) Except in the case of a combined system with a combination meter, any private fire hydrant and hose-reel shall be sealed by the Municipality, and any such seal may not be broken by any person other than the Municipality, provided that –

(i) The Municipality may break the seal in the course of servicing and testing the fire hydrant and hose-reel, and

(ii) Any person may break the seal for the purpose of opening the fire hydrant in the event of a fire.

(b) The customer must give the Municipality at least 48 hours' notice prior to a fire installation being serviced and tested.

(2) The cost of resealing a fire hydrant and hose-reel contemplated in subsection (1) must be borne by the customer, except where a seal is broken by the Municipality's officers for testing purposes.

(3) Any water consumed through a private fire installation or sprinkler system must be paid for by the customer at the applicable charge.

CHAPTER IV

NOTICES

56. Power to serve and compliance with notices

(1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with –

(a) The provisions of these by-laws; or

(b) Any condition imposed by these by-laws;

to remedy such failure within a period specified in the notice, which period may not be less than 30 days, unless where stated otherwise in these by-laws.

(2) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of these by-laws, the Municipality may take such action as in its opinion is necessary to ensure compliance, which action includes:

(a) Undertaking the work necessary and recovering the cost of the work from the owner, consumer or another person, as the case may be;

(b) Restricting or discontinuing the provision of services to the owner; consumer or another person, as the case may be; and

(c) Instituting legal proceedings against the owner, consumer or another person, as the case may be.

(3) A notice in terms of subsection (1) shall -

(a) Give details of the provision of the by-laws that has not been complied with;

(b) Give the owner, consumer or another person a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served;

(c) Specify the steps that the owner, consumer or another person can take to rectify the failure;

(d) Specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and

(e) Indicate that the Municipality –

(i) May, if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or another person any costs associated with such work; and

(ii) May take any other action it deems necessary to ensure compliance.

(4) In the event of an emergency, the Municipality may without prior notice undertake the work contemplated in subsection (3) (e) (i) and recover the costs from the owner, consumer or another person, as the case may be.

(5) The costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with the work and include, but are not restricted to:

(a) The cost of an exploratory investigation, survey, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and

(b) The environmental cost.

CHAPTER V

UNAUTHORISED WATER SUPPLY SERVICES

57. Unauthorised services

(1) No person may gain access to water supply services unless such access is in terms of an agreement entered into with the Municipality for the rendering of the water supply services

(2) If any person uses unauthorised services, the Municipality may, irrespective of any other action it may take against the person in terms of these by-laws, order the person by written notice to –

(a) Apply for the water supply services in terms of sections 2 and 3; and

(b) Undertake such work as may be necessary to ensure that the installation through which access to unauthorised services was gained complies with the provisions of these or any other relevant by-laws.

(3) The provisions of section 50 apply to a notice served in terms of subsection (2).

(4) The Municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

58. Interference with infrastructure for the provision of water supply services

(1) No person other than the Municipality may manage, operate or maintain the infrastructure through which municipal services are provided.

(2) No person other than the Municipality may effect a connection to the infrastructure through which municipal services are provided.

59. Obstruction of access to infrastructure for the provision of water supply services

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

(2) If a person contravenes subsection (1), the Municipality 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 from such person the cost of restoring the access.

60. Wasting of water

(1) No customer may permit –

(a) The purposeless or wasteful discharge of water from any terminal water fitting;

(b) Any pipe or water fitting to leak;

(c) The use of any maladjusted or defective water fitting;

(d) An overflow of water to persist; or

(e) The inefficient use of water to persist.

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

(3) If an owner fails to take the measures contemplated in subsection (2), the Municipality may, by written notice in terms of section 56, require the owner to comply with the provisions of subsection (1).

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

(5) The Municipality may, by written notice, prohibit the use by a customer of any equipment in a water installation if, in the opinion of the Municipality, the equipment's use of water is inefficient. Such equipment may not be returned to use until its efficiency has been restored and a written application for the return of the equipment to use has been approved by the Municipality.

61. Illegal reconnection

(1) If after having had his or her access to municipal services restricted or discontinued, a person unlawfully and intentionally or negligently –

(a) Effects a reconnection to the infrastructure through which municipal services are provided;
or

(b) Interferes with such infrastructure;

such a person's connection to such infrastructure shall be disconnected immediately.

(2) A person who, in the circumstances referred to in subsection (1), effects a reconnection to the infrastructure through which municipal services are provided is liable for the cost associated with any consumption arising from such reconnection, notwithstanding any other action that may be taken against such person.

(3) The consumption contemplated in subsection (2) shall be estimated on the basis contemplated in section 28 or, if an estimation on such basis is not possible, the consumption contemplated in subsection (2) shall be based on the average consumption of water supplied to the area within which the unauthorised service was used.

62. Immediate disconnection

If any person:

(a) Unlawfully and intentionally or negligently interferes with or obstructs access to the infrastructure through which the Municipality provides water supply services, or

(b) Fails to provide information or provides false information when reasonably requested by the Municipality to provide information;

his or her connection to such infrastructure may be disconnected.

63. Pipes in streets or public places

No person may, for the purpose of conveying water derived from any source whatsoever, 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 municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

64. Use of water from sources other than the water supply system

(1) No person may use or permit the use of water obtained from a source other than the water supply system, except for a rainwater tank that is not connected to a water installation, provided that:

(a) The prior written consent of the Municipality has been obtained for the use of water from the water supply system or rainwater tank, as the case may be; and

(b) The use of water is in accordance with the conditions that the Municipality may impose for domestic, commercial or industrial purposes.

(2) Any person desiring the consent referred to in subsection (1) must provide the Municipality with evidence satisfactory to the Municipality that:

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

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

(3) Any consent given in terms of subsection (1) may be withdrawn by the Municipality if, in the opinion of the Municipality:

(a) A condition imposed in terms of subsection (1) is breached; or

(b) The water quality no longer conforms to the requirements referred to in subsection (2).

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

(5) The provisions of section 28 apply in so far as they may be applicable to the meter referred to in subsection (4).

65. Supply of non-potable water

(1) The municipality 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 municipality 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 municipality or its authorised agent, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any nonpotable water supplied by the municipality or its authorised agent 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 therefrom, including the consequences of any bona fide fault of the municipality.

CHAPTER VI

OFFENCES

66. Offences

Any person who –

(a) Fails to give access required by the Municipality in terms of these by-laws;

(b) Obstructs or hinders the Municipality in the exercising of its powers or the performance of its functions or duties under these by-laws;

(c) assists any other person in providing the Municipality with false or fraudulent information or assists in wilfully concealing information from the Municipality;

(d) Uses or tampers or interferes with municipal equipment, the water supply system and the reticulation network or water supply services rendered;

(e) Fails or refuses to give the Municipality such information as may reasonably be required by the Municipality for the purpose of exercising its powers or functions under these by-laws;

(f) Gives the Municipality false or misleading information, knowing it to be false or misleading;

(g) After his or her access to municipal services has been restricted or discontinued, unlawfully and intentionally or negligently effects a reconnection to the infrastructure through which water supply services are provided or unlawfully and intentionally or negligently interferes with such infrastructure;

(h) Contravenes or fails to comply with a provision of these by-laws; or

(i) Fails to comply with the terms of a notice served on him or her in terms of these bylaws;

is guilty of an offence and liable on conviction to a fine not exceeding R5 000,00 or to a period of imprisonment not exceeding four months and, in the event of a continuing offence, to a further fine of R5 000,00 for every day on which the offence continues.

CHAPTER VII:

DOCUMENTATION

67. The signing of notices and documents

A notice or document issued by the Municipality in terms of these by-laws and signed by a staff member of the Municipality or of an authorised agent shall be deemed to be duly issued and must on its mere production be accepted by any court of law as evidence of the facts stated in the notice.

68. Notices and documents

(1) A notice or document issued by the Municipality in terms of these by-laws shall be deemed to be duly authorised if a staff member of the Municipality or of an authorised agent has signed it.

(2) Any notice or another document that is served on an owner, a customer or any other person in terms of these by-laws shall be deemed to have been served –

(a) if it has been delivered to that owner, customer or another person personally;

(b) If it has been left at that owner's, customer's or other person's village, place of residence, business or employment in the Republic with a person who is apparently over the age of 16 years;

(c) If it has been posted by registered or certified mail to the last known residential or business address of that owner, customer or another person in the Republic and an acknowledgement of posting thereof from the postal service has been obtained;

(d) If it has been served on the agent or representative of that owner, customer or another person in the Republic in the manner provided for in paragraphs (a) to (c), in the event that the address of the owner, customer or another person in the Republic is unknown; or

(e) If it has been posted in a conspicuous place on the property or premises to which it relates, in the event that the address and agent or representative of that owner, customer or another person in the Republic is unknown.

(3) When any notice or other document is to be served on the owner or occupier of any property or the holder of a right, that owner, occupier or holder may be addressed or described in the notice or other document as the "owner", "occupier" or "holder" in respect of the property or right in question, and his or her name need not be used.

(4) Where compliance with a notice is required within a specified number of working days, the period of working days must be deemed to have commenced on the date of delivery or dispatch of the notice.

69. Authentication of documents

Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated, and such order, notice or other document shall be deemed to be authenticated if signed by the Municipal Manager or by a duly authorised officer of the Municipality or of an authorised agent, provided that the authority to authenticate any order, notice or other document is conferred by a resolution of the Council, a written agreement or a by-law.

70. Prima facie evidence

In legal proceedings by or on behalf of the Municipality, a certificate reflecting the amount due and payable to the Municipality shall on its mere production be accepted by any court of law as prima facie evidence of the indebtedness, which certificate shall be –

- (a) Under the hand of the Municipal Manager or a suitably qualified staff member of the Municipality authorized by the Municipal Manager; or
- (b) The manager of the authorized agent.

71. Water Services Intermediaries

(1) An intermediary for the supply of water and sanitation services must be registered with the Municipality. A registration agreed by the Municipality shall constitute an agreement between the Municipality and the applicant to comply with the relevant provisions of these By-laws, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(2) The quality, quantity, pressure and sustainability of water services provided by the intermediary must comply with the minimum standards set out and prescribed by the Minister and must in all respects comply with the relevant provisions of these By-laws. 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 portability 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.

(3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by these By-laws or set out by the Municipality.

(4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to provisions of section 26 of the Act, direct the intermediary to rectify its failure.

CHAPTER VIII

GENERAL PROVISIONS

72. Responsibility for compliance with these by-laws

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

(2) A customer is responsible for compliance with these by-laws in respect of matters relating to the use of a water installation.

73. Power of entry and inspection

The Municipality may, at all reasonable times, enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, after having given reasonable written notice to the occupier of the premises of its intention to enter and inspect the premises, unless it is an emergency situation.

74. Exemption

(1) The Municipality may, subject to any conditions it may impose, exempt in writing any owner, customer, ratepayer, user of services or any other person or any category of owners, customers, ratepayers or users of services from complying with a provision of these by-laws, if the Municipality is

of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality may not grant exemption from any section of these by-laws that may result in –

- (a) The wastage or excessive consumption of municipal services;
- (b) the evasion or avoidance of water restrictions;
- (c) A significant negative effect on public health, safety or the environment;
- (d) Non-payment for services; or
- (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 not being complied with.

(2) The Municipality may, at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1).

75. Availability of by-laws

(1) A copy of these by-laws shall be included in the Municipality's Municipal Code as required by legislation.

(2) A copy of these by-laws shall be available for inspection at the municipal offices at all reasonable times.

(3) A copy of the by-laws may be obtained against payment of R100.00 per person from the municipality or its authorised agent.

76. Conflict of law

(1) When interpreting a provision of these by-laws, any reasonable interpretation which is consistent with the purpose of the Act shall be preferred over any alternative interpretation which is inconsistent with that purpose.

(2) If there is any conflict between these by-laws and any other by-laws of the Municipality in relation to water supply, these by-laws will prevail.

77. Transitional arrangements

(1) Installation work authorised by the Municipality prior to the commencement date of these by-laws or authorised installation work in progress on such date shall be deemed to have been authorised in terms of these by-laws.

(2) The Municipality may for a period of 90 days after the commencement of these by-laws authorise installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these by-laws.

(3) No customer may be required to comply with these by-laws by altering a water installation or part thereof that was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, provided that if, in the opinion of the Municipality, the installation or part thereof is so defective or in such condition or position as to cause –

- (a) Wastage of water or undue consumption of water;
- (b) The pollution of the water supply; or

(c) a health hazard;

the Municipality may by notice require the customer to comply with the provisions of these by-laws.

78. Repeal of existing municipal water supply services by-laws

The provisions of any by-laws relating to water supply services rendered by the Municipality are hereby repealed in so far as such provisions relate to matters provided for in these by-laws, provided that such provisions are deemed not to have been repealed in respect of any by-laws that have not been repealed and that are not repugnant to these by-laws on the basis determined by the by-laws in question.

79. Indemnification from liability

Neither an employee of the Municipality nor any person acting on behalf of the Municipality is liable for any damage arising from any act or omission committed in good faith in the course of his or her duties.

80. Short title and commencement

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

(2) The Municipality may, by notice in the Provincial Gazette, determine that, from a date specified in the notice, certain provisions of these by-laws do not apply to certain areas within the Municipality's area of jurisdiction, which notice shall list the provisions and the areas in question.

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

Municipal Manager

Notice No **24/12/403A**