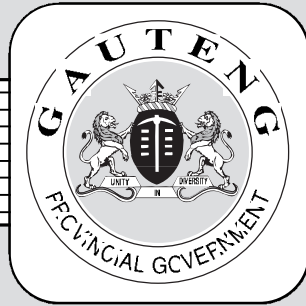


**THE PROVINCE OF
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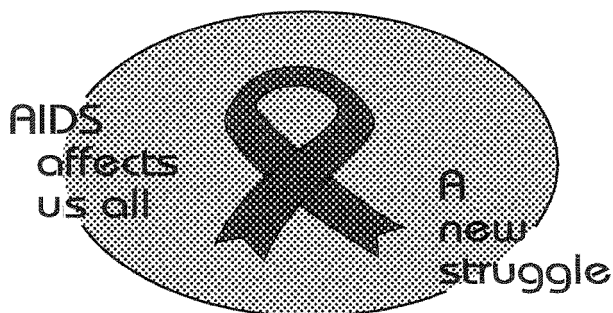
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No. 203

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LOCAL AUTHORITY NOTICE 1004

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

NOTICE OF THE WATER SUPPLY BY-LAWS

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes in terms of Sections 5 and 6 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), read with section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the City Of Tshwane Metropolitan Municipality: Water Supply By-Laws, as contemplated in the hereunder and approved by the said Council on **30 May 2014**.

The said By-laws will come into operation on date of promulgation hereof in the Provincial Gazette.

JASON NGOBENI
CITY MANAGER

(Notice No 468 of 2014)
23 July 2014

CITY OF TSHWANE

WATER SUPPLY BY-LAWS

The purpose of these by-laws are to provide for the general definition and conditions for the local supply of water to consumers, and the system of supply of water; to provide for the responsibilities of the municipality in the provision of water supply, and that of consumers in respect of the water supply; the distribution of and trading in water within the municipality; and to provide for matters connected.

PREAMBLE

WHEREAS THE Constitution of the Republic of South Africa Act, 1996 mandates the City of Tshwane Metropolitan Municipality to render the function of Potable Water Supply within its area of jurisdiction;

AND WHEREAS the supply and distribution of Water must take place within a regulatory framework and in accordance with the Water Services Act, 1997 (Act No. 108 of 1997) as amended from time to time and regulations promulgated in terms thereof;

AND WHEREAS these By-Laws envisages to provide for the above and matters related thereto;

AND WHEREAS these By-Laws envisages to provide to promote a fair, accessible and sustainable Water supply service and for that purpose to ensure compliance with the national standards and measures relating to consumer protection, to provide for improved standards of Water supply to consumers, in compliance with the Consumer Protection Act, 2008 (Act No. 68 of 2008);

BE IT HEREBY ENACTED by the Council of the City of Tshwane Metropolitan Municipality, as follows:-

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CHAPTER I: definitions

Definitions

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

"account" means any account rendered for municipal services provided;

"actual consumption" means the measured consumption of any customer;

"agreement" means the contractual relationship between the Municipality or an authorised agent and a customer, whether reduced to writing or deemed to be reduced to writing;

"applicable charge" means the rate, charge, tariff, flat rate or subsidy determined by the Council;

"approved" means approved by the Municipality or an authorised agent in writing;

"area of supply" means any area within or partly within the area of jurisdiction of the Municipality for which a municipal service or municipal services are provided;

"authorised agent" means -

(a) any person authorised by the Municipality to perform any act, function or duty in terms of or exercise any power under these by-laws; and/or

- (b) any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing water services; and/or
- (c) any person appointed by the Municipality in terms of a written contract as a service provider to provide water services to customers on its behalf, to the extent authorised in such contract;

"average consumption" means a customer's estimated average consumption of a municipal service during a specific period, which consumption is calculated by dividing by three the customer's total measured consumption of that municipal service for –

- (a) the preceding three months; or
- (b) the corresponding period in the previous year; or
- (c) the next three months;

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

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

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

"connection" means the point at which a customer gains access to municipal services;

"connection pipe" means a pipe, the ownership of which is vested in the Municipality, which pipe is installed by the Municipality for the purpose of conveying water from a main to a water installation and includes a communication pipe referred to in SANS 10252-1;

"consumer" means any end user who receives water supply services from a water services institution, including an end user in an informal settlement;

"Council" means the Council of the Municipality as contemplated in section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"customer" means a person with whom the Municipality or an authorised agent has concluded an agreement for the provision of a municipal service;

"determined" means determined by the Municipality from time to time;

"domestic purposes", in relation to the supply of water, means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;

"dwelling unit" means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two dwelling units or more;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"emergency situation" means any situation that, if allowed to continue, poses a risk or potential risk to the financial viability or sustainability of the Municipality or a specific municipal service;

"Engineer" means the professional engineer or technologist, appointed by the Municipality or an authorised agent to perform or exercise the functions, powers and duties in terms of these by-laws;

"environmental cost" means the cost of all measures needed to restore the environment to its condition prior to a damaging incident;

"fire installation" means a water installation that conveys water for firefighting purposes only;

"household" means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years old or younger);

"industrial purposes", in relation to the supply of water, means water supplied to any premises which constitute a factory as defined in the General Administrative Regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"installation work" means work in respect of the construction of a water installation, or work carried out on a water installation;

"JASWIC" means the Joint Acceptance Scheme for Water-Services Installation Components, which approves a list of water and sanitation installations, which list is obtainable from the Municipality;

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

"measuring device" means any method, procedure, process or device, apparatus or installation that enables the water supply services provided to be quantified;

"meter" means a water meter as defined in the regulations made under the Trade Metrology Act, 1973 (Act 77 of 1973), or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

"Municipality" means -

- (a) the City of Tshwane Metropolitan Municipality or its successors-in-title; or
- (b) the Municipal Manager in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws; or
- (c) an authorised agent;

"Municipal Manager" means the person appointed by the Council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person -

- (a) acting in such a position; and
- (b) to whom the Municipal Manager has delegated a power, function or duty;

"municipal service" means, for purposes of these by-laws, a service provided by the Municipality, and includes a refuse removal service, a water supply service, a sanitation service or an electricity service;

"occupier", in relation to the occupation of land or premises, includes any person in actual occupation of the land or premises, irrespective of the title under which he or she occupies the land or premises, and, in the case of premises subdivided and let to lodgers or tenants, includes the person receiving the rent payable by the lodgers or tenants, whether for his or her own account or as an agent for a person entitled to the rent or having an interest in the rent;

"owner" means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) a person who receives the rent or profit of premises from a tenant or occupier of the premises, or who would receive such rent or profit if the premises were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (c) where the person in whom the legal title to the premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (d) where the Municipality is unable to determine the identity of the person in whom legal title to the premises is vested, the person who has a legal right in or to the benefit of the use of the premises or a building or buildings on the premises;
- (e) in the case of premises for which a lease agreement of 30 years or more has been entered into, the lessee of the premises;
- (f) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person; or
- (g) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

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

"plumber" means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency for plumbing in terms of the Manpower Training Act, 1981 (Act 56 of 1981) as amended, or holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may -

- (a) make the water harmful to the health and well-being of humans and other living organisms or to the environment; or
- (b) impair or adversely affect the quality of the water for the use for which it is intended;

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986; or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"public notice" means notice in the official languages determined by the Council and in an appropriate medium that may include one or more of the following:

- (a) The publication of a notice -
 - (i) in a local newspaper or newspapers in the area of the Municipality; or
 - (ii) in a newspaper or newspapers circulating in the area of the Municipality and determined by the Council to be a newspaper of record; or
- (b) the broadcasting of a notice by means of radio broadcasts covering the area of the Municipality; or
- (c) the displaying of a notice at appropriate offices and pay points of the Municipality; or
- (d) the communication of the content of a notice to customers through public meetings and ward committee meetings;

"SABS" means the South African Bureau of Standards;

"SANS 241" means the specification SANS 241/SABS 241:2001 - *Drinking water*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 1529-1" means the specification SANS 1529-1/SABS 1529-1:1998 - *Water meters for cold potable water, Part 1: Metrological characteristics of mechanical water meters of nominal bore not exceeding 100 mm*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10252-1" means the code of practice SANS 10252-1/SABS 0252-1:1994 - *Water supply and drainage for buildings, Part 1: Water supply installations for buildings*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10254" means the code of practice SANS 10254/SABS 0254:2000 - *The installation, maintenance, replacement and repair of fixed electric storage water heating systems*, as issued by Standards South Africa of the SABS and as amended from time to time;

"SANS 10400" means the code of practice SANS 10400/SABS 0400:1990 - *The application of the National Building Regulations*, as issued by Standards South Africa of the SABS and as amended from time to time;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier of the premises and which is connected or is to be connected to a connection pipe to serve the water installation on the premises;

"standpipe" means a customer connection through which water supply services are provided to more than one household;

"subsidised service" means a municipal service which is provided for a customer at an applicable charge that amounts to less than the cost of actually providing the service, and includes a service provided for a customer at no cost to the customer;

"supply zone" means an area determined by the Municipality, within which all customers are provided with services from the same bulk supply connection;

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

"the Act" means the Water Services Act, 1997 (Act 108 of 1997) as amended;

"unauthorised service" means a municipal service that is received, used or consumed in the absence of an agreement or in the absence of the authorisation or approval of the Municipality;

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

"water installation" means the pipes and water fittings which are situated on any premises and ownership of which vests in the owner of the premises and which are used or intended to be used in connection with the use of water on the premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connect to the connection pipe relating to the premises or are otherwise laid with the permission of the Municipality;

"water supply services" means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted into potable water or water for commercial use, including, for the purposes of these by-laws, water for industrial purposes;

"water supply system" means the water supply system of which ownership vests in the Municipality and which is used or intended to be used by the Municipality in connection with the supply of water, and includes the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating to the water supply system and any part of the water supply system; and

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

- (2) Any word or expression used in these by-laws to which a meaning has been assigned in -
- (a) the Act bears that meaning, unless the context indicates otherwise; and
 - (b) the National Building Regulations and Building Standards Act, 1977, and the Building Regulations bears, in respect of Chapter III of these by-laws, that meaning, unless the context indicates otherwise.

CHAPTER II: APPLICATION, PAYMENT AND TERMINATION

PART 1: APPLICATION

Application for water supply services

2. (1) No person is entitled to access to water supply services unless -
 - (a) 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;
 - (b) the application has been approved by the Municipality; and
 - (c) an agreement has been entered into with the Municipality for the provision of water supply services.
- (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) If an applicant, occupier or consumer is not the registered owner of the premises, authorisation in writing by the owner of the premises to the applicant/occupier/consumer for the rendering of a water connection is required before hand. The agreement between municipalities and customer binds both the applicant/occupier/consumer and the owner of the premises.

Transfer of ownership

3. (1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that;
 - (a) the water installation conforms to the National Building Regulations and this by-law;
 - (b) there are no defects;
 - (c) the water meter(s) registers; and
 - (d) there is no discharge of stormwater into the sewer system.
- (2) The certificate referred to in subsection (1) must be in the format of the form attached as SCHEDULE 1.

Special agreements for water supply services

4. 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 necessitate the imposition of conditions not contained in the prescribed form or these by-laws;
 - (b) 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 agreement; and
 - (ii) the obligation is on the person to advise that municipality of the special agreement.

Change in purpose for which water supply services are used

5. Where the purpose for or 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 2: TARIFFS AND CHARGES

Prescribed tariffs and charges for water supply services

6. (1) All applicable charges, deposits, guarantees and sureties payable in respect of water supply services, including but not restricted to connection charges, fixed charges or any additional charges or interest, 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.

Availability charges for water supply services

7. 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 3: PAYMENT

Payment for water supply services

8. (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.
- (2) When a consumer is supplied with water through a prepayment meter, in addition to the requirements of the municipality's by-law related to credit control and debt collection:
 - (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
 - (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and

- (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of a prepayment meter and/or token.

PART 4: TERMINATION, RESTRICTION, DISCONTINUATION AND RESTORATION

Termination of agreement for the provision of water supply services

9. (1) A customer may terminate an agreement for the provision of water supply services by giving the Municipality not less than ten 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 50, 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 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.

Restriction and discontinuation of water supply services

10. (1) The Engineer may restrict or discontinue water supply services that are provided for the premises of a owner, consumer or customer in terms of these by-laws if -
- (a) the owner, consumer or customer has failed to pay the applicable charges on the date specified for water services, electricity services, property rates, waste or any other services provided by the Municipality, 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 50 has been given;
 - (c) the owner, consumer or 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 9 (1) 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 Engineer 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.

Restoration of water supply services

- 11. 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 9 due to non-payment, the water supply services shall be restored, within seven 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

Provision of connection pipe

- 12 (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 Engineer.
- (3) Only the Engineer may install a connection pipe to 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 Engineer has installed a connection pipe and meter to the premises.

Location of connection pipe

- 13. (1) A connection pipe provided and installed by the Engineer shall -
 - (a) be located in a position determined by the Engineer and be of a suitable size determined by the Engineer; 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 Engineer may on application by any person agree, subject to such conditions as the Engineer 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) The owner, consumer or customer, as the case may be, must install and maintain an isolating valve on the service pipe on the downstream side of the water meter installation in order to shut off the water for any maintenance purposes on the water installation.
- (4) Before a water connection can be effected, the owner, consumer or customer of premises must pay in advance the applicable charge for connection.

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

14. (1) Notwithstanding the provisions of section 12, 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 Engineer may, at his or her 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 Engineer 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 Engineer 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 Engineer, 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 Engineer 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 Engineer may require the owner to reduce, at the owner's expense, the number of connection points and alter the water installation accordingly.

Disconnection of water installation from a connection pipe

15. (1) The Engineer may, subject to the conditions stated hereunder, limit the supply or 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.
- (2) The Municipality shall have the right, after giving written notice, to disconnect the water supply to any premises if -
- (i) the person liable for payment for the supply or for payment for any other municipal service fails to pay any charge due to the Municipality in respect of any service which he or she may at any time have received from the Municipality in respect of the premises; or
 - (ii) the owner refuses the Engineer access to the metering device.
 - (iii) The consumer misuses water or resell water supplied by the municipality without written permission of the municipality, or
 - (iv) any of the provisions of these by-laws and/or the regulations are being contravened.
- (3) The Municipality shall give notice to the consumer of its intention to disconnect or limit the water supply, but in the case of a serious risk as determined by the Engineer, the Municipality may disconnect without giving notice.
- (4) The Municipality may provide for the general limitation or total discontinuation of water services where national disasters cause disruptions in the provision of services; or where sufficient water is not available for any other reason;
- (5) The Municipality shall retain limited access to at least basic water supply and basic sanitation for a domestic consumer whose water services are to be discontinued; and where the consumer is registered as indigent, in terms of the indigent policy of the municipality.

PART 2: STANDARDS

Quantity, quality and pressure

16. (1) 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.
- (2) The Engineer 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 59(2).
- (3) The applicable charge for the taking and testing of the samples referred to in subsection (2) must be paid by the person to whom consent to use the water as potable water was granted in terms of section 59(1).

Testing of pressure in water supply system

17. The Engineer 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.

Pollution of water

18. 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 water or its fitness for use.

Water restrictions

19. (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 appliance to the water installation.
- (2) The Municipality may -
- (a) limit the application of the provisions of a notice contemplated in subsection (1) 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 a 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 direct 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).

Specific conditions of supply

20. (1) Notwithstanding the provisions of section 15, 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 Engineer 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 Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If, in the opinion of the Engineer, the consumption of water by a customer adversely affects the supply of water to another customer, the Engineer may apply such restrictions to the supply of water to the first-mentioned customer as the Engineer deems necessary to ensure a reasonable supply of water to the other customer, and the Engineer 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)
 - (a) Unless otherwise authorised by the Engineer, no person who is supplied with water in terms of this by-law may sell water to any other person or persons for use on any other premises, or permit or allow the resale to take place.
 - (b) If the Engineer grants the authorisation referred to in (8)(a), he or she may stipulate the maximum charges, determined by the Municipality, that may be imposed and such other conditions as he or she may deem fit.
 - (c) Reselling of water on the same premises, or for use on another premises as authorised by the Engineer, is subject to -
 - (i) each individual consumer is metered and billed separately;
 - (ii) each bill must reflect the start and end reading and applicable charges; and
 - (iii) only approved tariffs of the Municipality are used to bill for water consumption.

PART 3: MEASUREMENT

Measuring of quantity of water supplied

21. The Engineer may provide a measuring device designed to supply either a controlled volume of water or an uncontrolled volume of water to a customer.
22. (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 Engineer, and such measuring device and associated apparatus remain the property of the Municipality and may be changed and maintained by the Engineer as he or she deems necessary.
- (3) The Engineer may install a measuring device and its associated apparatus at any point on a service pipe.
- (4) If the Engineer installs a measuring device on a service pipe in terms of subsection (3), he or she 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 Engineer installs a measuring device together with its associated apparatus on a service pipe in the premises in terms of subsection (3), the owner of the premises -
 - (a) must provide, where applicable, a place satisfactory to the Engineer 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 Engineer 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 Engineer, is likely to cause damage to any meter.
- (6) No person other than the Engineer may -
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal that the Engineer 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 Engineer may, if he or she 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 he or she 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 13, 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.

Quantity of water supplied to customer

23. (1) For the purposes of assessing the quantity of water that is measured by a measuring device installed by the Engineer 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; The Municipality has the right to test its metering equipment. If it is established by a test or otherwise that the metering equipment is defective, the quantity water consumed may be retrospectively adjusted for a period not exceeding three years 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 Engineer 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 section 22(6) 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 Engineer 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.

Defective measurement

24. (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, are 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, or a meter such as a combination water meter 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 rates of flow:
 - (i) 50% or more of the design maximum flow of the meter;
 - (ii) between 30% and 40% of the design maximum flow of the meter; and
 - (iii) between 10% and 15% of the design maximum flow of the meter; and
 - (iv) for combination water meters, an additional flow rate test between 0,5 and 0,6 of the maximum design flow (q_s) of the bypass meter.
- (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 22(6); and
 - (b) determine the water supply services for which the customer is to be charged on the basis set out in section 27.
- (6) A customer is entitled, on giving the Engineer 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.

Special measurement

25. (1) If, for purposes other than charging for water consumed, the Engineer requires that the quantity of water used in a part of a water installation on premises be ascertained, the Engineer 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 22(5) and (6) apply in so far as they relate to a measuring device installed in terms of subsection (1).

No reduction in amount payable for water wasted

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

Adjustment of quantity of water supplied through defective measuring device

27. (1) If a measuring device is found to be defective in terms of section 24(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 consumption of water on the premises served by the measuring device for the period between two successive actual meter readings prior to the meter becoming defective;
 - (b) 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; or
 - (c) 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
 - (d) 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 effected; or
 - (e) in the case of prepayment meter, render an account where the meter has been under-reading; or issue a free token where the meter has been over-registering.
- (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 as deemed appropriate.
- (3) When an adjustment contemplated in subsection 27 (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

Water audit

28. (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

Approval of installation work

29. (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.

Persons permitted to do installation and other work

30. (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 Engineer.

Provision and maintenance of water installations

- 31. (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 section 57, 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.

Technical requirements for a water installation

- 32. Notwithstanding the requirement that a certificate be issued in terms of section 29, all water installations must comply with SANS 10252-1 and all fixed electrical storage water heaters must comply with SANS 10254.

Use of pipes and water fittings to be authorised

- 33. (1) No person may, without the prior written authority of the Engineer, 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 an 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 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.

Labelling of terminal water fittings and appliances

34. 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.

Water demand management

35. (1) Notwithstanding the provisions of sections 55, 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.
- (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 shower head 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

Provision of water supply to several consumers

36. (1) The Engineer may install a communal standpipe for the provision of water supply services to several consumers at a location he or she deems appropriate, provided that the consumers to whom water supply services are to be provided through that communal standpipe have been consulted.
- (2) The Engineer may provide communal water supply services through a communal installation designed to supply a controlled volume of water to several consumers.

Zonal control of water supply services

37. The Engineer 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

Water supplied from a hydrant

38. (1) The Engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by him or her, subject to -
- (a) such conditions and such period as may be prescribed by him or her; 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 Engineer shall, for the purposes of supplying water from a fire 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 fire hydrant remain the property of the Municipality and are provided subject to any conditions imposed by the Municipality or an authorised agent.

PART 8: BOREHOLES

Notification of boreholes

- 39. (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

Connection to be approved by the Municipality

- 40. (1) The Engineer is entitled at his or her 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 until -
 - (a) a certificate in accordance with section 29 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 Engineer a fire extinguishing installation which he or she 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.

Special provisions

41. In general, the provisions of SANS 10252-1 and SANS 10400 apply to the supply of water for fire fighting 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 fire fighting purposes.

Payment for services

42. 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.

Dual and combined installations

43. 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 90 m 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 takes place; and
 - (ii) maintaining their integrity when exposed to fire conditions.

Connection pipes for fire extinguishing services

44. (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 Engineer.
- (2) The Engineer 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.

Valves and meters in connection pipes

45. A connection pipe to a fire extinguishing installation must be fitted with a valve and a meter which shall be -
- (a) supplied by the Engineer 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 Engineer.

Meters in fire extinguishing connection pipes

46. In respect of any premises, the Engineer 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.

Sprinkler installations

47. 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.

Header tanks or duplicate supply from mains

48. (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.

Sealing of private fire hydrants

49. (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 extinguishing 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

Power to serve and compliance with notices

50. (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, provided that the period in the case of a notice issued in terms of section 19 or section 54(3) may not be less than seven days.

- (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 other person, as the case may be;
 - (b) restricting or discontinuing the provision of services to the owner; consumer or other person, as the case may be; and
 - (c) instituting legal proceedings against the owner, consumer or other 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 other 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 other 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 other 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 other 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 any 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

Prohibition of access to water services other than through the Municipality

51. (1) No person is permitted to have access to water services from a source other than from the Municipality or its authorised provider, without its approval.
- (2) Despite the provisions of paragraph (1) hereof, a person who, at the commencement of these by-laws was using water from another source may continue to do so -
- (a) for a period of 60 days after he or she has been requested to apply for approval; and
 - (b) thereafter until the application for approval is granted if it has not been granted within that period; or
 - (c) for a reasonable period thereafter within the discretion of the Engineer or its authorised provider, if the application for approval is refused.
- (3) In granting approval, the Engineer or its authorised provider may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which may be specified by the Engineer or its authorised provider.

- (4) Any application for water services for industrial purposes is subject not only to the requirements of these By-laws but also of section 7 of the Water Services Act.

Unauthorised services

52. (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.

Interference with infrastructure for the provision of water supply services

53. (1) No person other than the Engineer may manage, operate or maintain the infrastructure through which municipal services are provided
- (2) No person other than the Municipality may directly or indirectly connect, attempt to effect or cause or permit a connection to the infrastructure (mains or service connection) through which municipal services are provided.
- (3) No person other than a person whom the Engineer specifically authorises in writing to do so may reconnect, attempt to reconnect or cause or permit the reconnection of the supply mains or service connection of an water installation that has been disconnected by the Engineer.

Access obstruction to infrastructure for the provision of water supply services

54. (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.

Wasting of water

55. (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 50, 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.
- (6) The municipality may, without notice, disconnect the water supply to the premises if an owner fails to take the measures contemplated in subsection (2). The owner may be required to re-apply for a water connection.

Illegal reconnection

56. (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 or tampers 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 27(1) 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.

Immediate disconnection

57. 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;
 - or
 - (c) connected to the water supply system without entering into an agreement with the Municipality,

the supply may be disconnected from the infrastructure immediately, and the person is liable for the cost of the water consumed and for the cost of the removal of the connection.

Pipes in streets or public places

58. 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 any municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

Use of water from sources other than the water supply system

59. (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 Engineer has been obtained for the use of water from a source other than 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 Engineer with evidence satisfactory to the Engineer 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 Engineer if, in the opinion of the Engineer -
- (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 22 apply in so far as they may be applicable to the meter referred to in subsection (4).

CHAPTER VI: OFFENCES

Offences

- (1) Subject to any provisions of the Water Services Act in which an offence is explicitly specified, any person contravening or failing to comply with any provisions of these by-laws or any written conditions laid down in these by-laws is guilty of an offence, and such a person is, for every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, deemed guilty of a separate offence and is on conviction liable to any or all of the following penalties:
- (a) A fine not exceeding R20 000;
 - (b) a fine not exceeding R20 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or
 - (c) imprisonment for a period not exceeding 12 months.

Indemnification from liability

Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damages arising from any omissions or act done or committed in good faith and in the course of his or her duties, as the case may be.

CHAPTER VII: DOCUMENTATION

Signing of notices and documents

61. 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.

Notices and documents

62. (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 other 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 other 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 other 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 other 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 other 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 other 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.

Authentication of documents

63. 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.

Prima facie evidence

64. 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 authorised by the Municipal Manager; or
 - (b) the manager of the authorised agent.

CHAPTER VIII: GENERAL PROVISIONS

Responsibility for compliance with these by-laws

65. (1) The owner of 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.

Power of entry and inspection

66. (1) the Municipality or authorized agent may enter and inspect any premises –
- (a) for the purpose set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation;
 - (c) for the purpose of removal and/or seizure of any pipe lines, meters, fittings, works, the installation thereof is prohibited in terms of this by-laws or any legislation applicable.
- (2) For the purpose of subsection (1) any earth surface covering or structure on any portion of the premises may be removed. The municipality shall endeavor to restore the premises to a reasonable level should no contravention of these by-laws be discovered.
- (3) Any person wishing to enter any premises in terms of subsection (1) shall-
- (a) give the owner or occupant prior written notice of a period of not less than 7 days or a shorter period, with consent of the owner or legal occupant of the premises, before entering such premises, and shall adhere to all reasonable security measures, if any, of the occupant or owner of the premises;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document.
- (4) Any person wishing to enter any premises for the purpose of inspection, removal and/or seizure of any installation, fitting, works, illegal construction or due to an emergency on the premises shall-
- (a) do so without any prior notice and where he or she reasonable believe that a prior notice will defeat the purpose of entry;
 - (b) exhibit his or her written authorization at the request of any person materially affected by his activities;
 - (c) in addition to the written authorization and without any request, positively identify him- or herself by exhibiting his Identity Document;
 - (d) The authorised person shall list any article seized in terms of these by-laws and provide the owner or occupant of the premise with an inventory, and such article shall forfeit to the Municipality, unless the owner thereof applies to the court for the return thereof, and proves to the satisfaction of the court that the item was not installed on the system illegally or used for any illegal activities on the sewerage system, within a period of thirty days from the date of seizure.

- (5) Without derogating from any specific duty imposed on a consumer by these by-laws, every consumer shall –
- (a) as far as is reasonably practicable, cause the Municipality to be made conversant with any hazards to the health and safety of any person attached to any work or activity performed by any other person on the water system, or any article or appliance used in contravention of any of the provision of this by-law;
 - (b) inform the Municipality of any necessary inspections, investigations or formal inquiries that may need to be made in establishing whether or not any of the provisions of this by-laws is infringed.
- (6) Anyone who unreasonably hinder, obstruct, interfere with, withholds information or refuse entry of a duly authorized official to the premises or property, or cause such entry to be hindered, obstructed, interfered with or refused, shall be guilty of an offence and on conviction by the court, shall be liable to a fine as may be prescribed in terms of this by-laws;

Exemption

67. (1) The Engineer may, subject to any conditions he or she 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 Engineer is of the opinion that the application or operation of that provision would be unreasonable, provided that the Engineer 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) a significant negative effect on public health, safety or the environment;
 - (c) non-payment for services; or
 - (d) 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).

Availability of by-laws

68. A copy of these by-laws shall be included in the Municipality's Municipal Code as required by law, and shall apply to anyone owning, residing or occupying a property within the jurisdiction of the municipality.

Conflict of law

69. (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, these by-laws will prevail.

Transitional arrangements

70. (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 Engineer, the installation or part thereof is so defective or in such condition or position as to cause -

- (a) a wastage of water or undue consumption of water;
- (b) the pollution of the water supply; or
- (c) a health hazard;

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

Repeal of existing municipal water supply services by-laws

71. 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.

Indemnification from liability

72. 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.

Repeal of By-laws

73. The by-laws referred to in Schedule 1 to these by-laws and all prior by-law relating to the regulation of the supply of water within the City of Tshwane Metropolitan Municipality are hereby repealed.

Short title and commencement

74. (1) These by-laws are called the Water Supply By-laws of the City of Tshwane Metropolitan 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.

1.1 Schedule 1

Notice 2267 of 2003 CITY OF TSHWANE METROPOLITAN MUNICIPALITY WATER SUPPLY BY-LAWS

SANITATION BY-LAW APPLICABLE IN THE AREAS OF THE FORMER METSWDING DISTRICT MUNICIPALITY, KUNGWINI LOCAL MUNICIPALITY AND NOKENG TSA TAEMANE

1.2 Schedule 2:

Certificate issued in terms of section 3(2)

CERTIFICATE OF COMPLIANCE OF WATER INSTALLATION ON TRANSFER OF OWNERSHIP IN ACCORDANCE WITH THE WATER BY-LAW

PROPERTY ADDRESS.....

.....

ERF NUMBER.....

NAME OF SELLER.....

CONTACT DETAILS OF SELLER.....

.....

NAME OF BUYER.....

I,....., a suitably accredited plumber, certify that I

inspected the plumbing installation at the above address, and confirm that:

1) The water meter is registering

2) There are no defects which can cause water to run to waste, and

3) There is no ingress of rainwater into the sewerage system

SIGNATURE:.....DATE:.....

PRINT NAME & CONTACT DETAILS:.....

.....

.....

.....