



**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS FOR
ORDERS ABOVE R30 000.00 BUT LESS THAN R200 000.00**

REFERENCE NO. UTD/SCM/1760/2021

**APPOINTMENT OF INDEPENDENT SERVICE PROVIDER
REGARDING THE TRANSLATION OF BY LAWS INTO ISIZULU
AND BE SENT FOR PUBLIC COMMENT FOR UTHUKELA DISTRICT
MUNICIPALITY**

25 MARCH 2021

UThukela District Municipality is hereby invites quotations from qualified and experienced service provider for the following:

Item No.	Specifications	Quantity
01	An independent service provider to be appointed regarding the translation of by-laws into isiZulu and be sent for public comments: <ul style="list-style-type: none"> • Water and sanitation by-laws • Credit control and debt collection by-laws • Disaster Management by-laws 	01
	<u>SPECIAL CONDITIONS:</u> <ol style="list-style-type: none"> 1. Not adhering to the specifications, will result in the quotation not being considered. 2. Service must commence within 14 days of receiving official order 3. Prices must be valid for at least thirty (30) days from date of offer. 4. Faxed or e-mailed quotations will not be accepted. 5. Service providers must submit previous experience of similar translations of by-laws. 	

GENERAL CONDITIONS:

Quotations must be submitted using the official quotation form obtainable from the Supply Chain Management Unit office (Procurement) Room 51.

- 1. Sealed quotations outwardly marked: Ref. No. UTDM/SCM/1772/2020: Appointment of independent service provider regarding the translation of by laws into isiZulu and be sent for public coment must be addressed to the **Municipal Manager** and placed in the Tender Box, 36 Lyell Street, Ladysmith, **not later than 12H00 on Thursday 01 April 2021.****
- 2. MBD1, MBD4, MBD6.1, MBD6.2, MBD6.11 and MBD8 forms must be filled in and submitted together with the quotation.**
- 3. All Quotations will be evaluated on a point system in accordance with the provisions of the **Preferential Procurement Policy Framework Act No. 5 of 2000 and the revised PREFERENTIAL PROCUREMENT REGULATIONS, 2011.****
- 4. In terms of Regulation 6, the **80/20 preference point system will be applicable**, with 80 points for Price and 20 Points for B-BBEE Status Level of Contribution.**
- 5. Prices quoted must include value added tax, delivery charges and off-loading to the municipal premises.**
- 6. Any quote will not necessary be accepted and the Council Reserves the Right to Accept the whole or any Part of Any quote.**
- 7. Certified Copy of Sanas: B-BBEE Certificated or Proof of Exemption must be included in the Bid document.**
- 8. A valid original Tax clearance certificate must be submitted together with the document.**
- 9. Prices altered by means of correction fluid will not be considered**
- 10. Preference will be given to Database Suppliers**
- 11. A current (30 days) Business and or Business Residential municipal account for all services must be included in the bid document, even outside the UThukela District Municipal boundaries. In case of leasing, the lease agreement must be submitted, indicating who is responsible for water, electricity & rates.**

Enquiries may be directed to: Khayelihle Hadebe

Tell: 072 717 8182

Checked By : Lwazi Ngwenya (SCM Manager)


M SITHOLE

MUNICIPAL MANAGER



**INVITATION FOR QUOTATIONS FOR ORDERS
ABOVE R30 000.00 BUT LESS THAN R200 000.00**

REFERENCE NO. UTDM/SCM/1760/2021

**APPOINTMENT OF INDEPENDENT SERVICE PROVIDER
REGARDING THE TRANSLATION OF BY LAWS INTO ISIZULU
AND BE SENT FOR PUBLIC COMMENT FOR UTHUKELA DISTRICT
MUNICIPALITY**

SUPPLIER: _____

ADRESS: _____ **TEL NO:** _____

_____ **CELL NO:** _____

_____ **FAX NO:** _____

PREPARED FOR:

UTHUKELA DISTRICT MUNICIPALITY

P O BOX 116

LADYSMITH

3370

Compile Date: 25 MARCH 2021

Quotations are hereby invited from suitable service provider to quote for the following:

Directorate: Water Services

Contact Person: Khayelihle Hadebe

Tell: 072 717 8182

SPECIAL CONDITIONS:

1. Suppliers are to adhere strictly to the specifications given.
2. Not adhering to the specifications, will result in the quotation not being considered.
3. Email or faxed will not be considered.
4. Service providers must submit previous experience of similar translation of by laws.

Item No.	Specifications	Quantity	Unit Price R	Total Price R
01	An independent service provider to be appointed regarding the translation of by-laws into isiZulu and be sent for public comments: <ul style="list-style-type: none">• Water and sanitation by-laws• Credit control and debt collection by-laws• Disaster Management by-laws	01		
SUB TOTAL			R	
15% VAT AMOUNT			R	
TOTAL AMOUNT			R	

Company Stamp

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE <i>(NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</i>			
BID NUMBER:	UTDM/SCM/1760/2021	CLOSING DATE:	01 APRIL 2019
		CLOSING TIME:	12:00
DESCRIPTION	APPOINTMENT OF SERVICE PROVIDER REGARDING THE TRANSLATION OF BY-LAWS INTO ISIZULU AND BE SENT FOR PUBLIC COMMENTS FOR UTHUKELA DISTRICT MUNICIPALITY		
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT <i>(STREET ADDRESS)</i>			

P.O. BOX 116
LADYSMITH
3370
OR
36 LYELL STREET
LADYSMITH
3370

SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
---	--	--	--

TOTAL NUMBER OF ITEMS OFFERED	TOTAL BID PRICE	R
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SIGNATURE OF BIDDER	DATE
---------------------	------

CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:	TECHNICAL INFORMATION MAY BE DIRECTED TO:
DEPARTMENT	CONTACT PERSON
CONTACT PERSON	TELEPHONE NUMBER
TELEPHONE NUMBER	FACSIMILE NUMBER
FACSIMILE NUMBER	E-MAIL ADDRESS
E-MAIL ADDRESS	

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* YES / NO

3.6.1 If so, furnish particulars.

.....

3.7 Have you been in the service of the state for the past twelve months? YES / NO

3.7.1 If so, furnish particulars.

.....

* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.8.1 If so, furnish particulars.

.....
.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.9.1 If so, furnish particulars

.....
.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic

Empowerment Act;

- 2.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts; .
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval

for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

.....
SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

.....

.....

.....

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic

Empowerment Act;

- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval

for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of firm
- 9.2 VAT registration number
- 9.3 Company registration number

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium
 One person business/sole propriety
 Close corporation
 Company
 (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

Manufacturer
 Supplier
 Professional service provider
 Other service providers, e.g. transporter, etc.
 [TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

.....
SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

.....

.....

.....

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286:201x as follows:

$$LC = 1 - \left(\frac{x}{y} \right) \times 100$$

Where

- x imported content
- y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.

- this declaration certificate is not submitted as part of the bid documentation.

2. Definitions

- 2.1. **"bid"** includes advertised competitive bids, written price quotations or proposals;
- 2.2. **"bid price"** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **"designated sector"** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **"duly sign"** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **"imported content"** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **"local content"** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **"stipulated minimum threshold"** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

YES / NO

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID No.
ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):

NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, (full names),
 do hereby declare, in my capacity as
 of (name of bidder
 entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

Bid price, excluding VAT (y)	R
Imported content (x)	R
Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

MBD 9

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4

Annex C

SATS 1286.2011

Local Content Declaration - Summary Schedule

<p>(C1) Tender No. _____</p> <p>(C2) Tender description: _____</p> <p>(C3) Designated product(s) _____</p> <p>(C4) Tender Authority: _____</p> <p>(C5) Tendering Entity name: _____</p> <p>(C6) Tender Exchange Rate: _____</p> <p>(C7) Specified local content % _____</p>	<p>Make VAT to be excluded from all calculations</p> <p style="text-align: center;"> <input type="checkbox"/> Pulla <input type="checkbox"/> EU <input type="checkbox"/> GBP </p>
---	---

Tender Item no's	List of Items	Tender price - each (exc VAT)	Calculation of local content				Tender summary				
			Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)	Tender Qty	Total tender value	Total exempted imported content	Total imported content
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)	(C16)	(C17)	(C18)	(C19)

Signature of tenderer from Annex B _____

Date: _____

(C20) Total tender value

(C21) Total Exempt imported content

(C22) Total Tender value net of exempt imported content

(C23) Total Imported content

(C24) Total local content

(C25) Average local content % of tender

Annex E

SATS 1286.2011

Local Content Declaration - Supporting Schedule to Annex C

(E1)	Tender No.	
(E2)	Tender description:	
(E3)	Designated products:	
(E4)	Tender Authority:	
(E5)	Tendering Entity name:	

Note: VAT to be excluded from all calculations

Local Products (Goods, Services and Works)	Description of Items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
(E9) Total local products (Goods, Services and Works)			

(E10)	Manpower costs (Tenderer's manpower cost)	
(E11)	Factory overheads (Rental, depreciation & amortisation, utility costs, consumables etc.)	
(E12)	Administration overheads and mark-up (Marketing, insurance, financing, interest etc.)	
(E13) Total local content		

This total must correspond with Annex C - C24

Signature of tenderer from Annex B

Date: _____

UTHUKELA DISTRICT MUNICIPALITY
WATER AND SANITATION SERVICES BY-LAWS

(PUBLISHED UNDER NOTICE NO 835 IN GAUTENG PROVINCIAL GAZETTE
EXTRAORDINARY NO 179 DATED 21 MAY 2004 AND AS AMENDED BY NOTICE 1455 IN
PROVINCIAL GAZETTE NO 162 DATED 20 JUNE 2008)

UTHUKELA DISTRICT MUNICIPALITY
WATER AND SANITATION SERVICES BY-LAWS

The Municipal Manager of the UThukela District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Water Services By-laws for the UThukela District Municipality, as approved by its Council, as set out hereunder.

UTHUKELA DISTRICT MUNICIPALITY

WATER SERVICES BY-LAWS

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CHAPTER 1
GENERAL PROVISIONS

Definitions and interpretation

1. (1) in these By-laws and the Schedules thereto, unless the context otherwise indicates –

- "accommodation unit"** in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;
- "Affected person"** means a person who has been served with a designated notice;
- "Act"** means the Water Services Act No, 1997 (Act No. 108 of 1997);
- "air gap"** means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;
- "Approved"** means approved by the Council;
- "Authorized official"** means any official of the Council who has been authorized by it to Administer, implement and enforce the provisions of these by laws;
- "Backflow"** means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;
- "Backflow preventer"** means any device or means to prevent backflow;
- "back siphonage"** means the backflow resulting from pressures lower than atmospheric pressure in the water installation;
- "basic sanitation"** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "Basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- "Best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;
- "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, 1997 (Act No. 103 of 1977);
- "Business unit"** in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;
- "Combined installation"** in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
- "Commercial effluent"** means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard effluent;
- "Commercial purpose"** in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;
- "Communal sewer"** means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
- "Communal water connection"** means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning
- "Connecting point"** means the point at which a drainage installation joins the connecting sewer;
- "Connecting sewer"** means a pipe owned by the Council and installed by it for the purpose of
 Conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a wayleave document or other type of agreement;
- "connection pipe"** means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code 0252 Part I;
- "consumer"** means-
- (a) Any person who occupies premises to whom, and in respect of which premises, the Council-
- (i) has agreed to provide water services;
 - (ii) is actually providing water services;

(iii) has entered into an agreement with the Council for the provision of water services to or on any premises;

- (b) The owner of any premises to which the Council is providing water services;
- (c) Where water Services are provided through a single connection to a number of accommodation units or Consumers or occupiers, means the person to whom the Council agreed to provide such Water services; and
- (d) Any end-user who receives water services from the Council or other Water services institution.

“Conventional water meter” means a meter where the account is issued subsequent to the consumption of water;

“Council” means -

- (a) The Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government : Municipal Systems Act 2000, or any other law, as the case may be.

“day” means a 24 hour period commencing and ending at 24:00;

“designated officer” means a person in the employ of the Council, authorized as a designated officer in terms of Section 22 of the Gauteng Rationalization of Local Government Affairs Act, 1998 (Act No. 10 of 1998), or if the Council has for the purposes of = these By-laws, appointed a service provider which is still operative, an employee such service provider, authorized by it as a designated officer in terms of Section 101 of these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Council.

“domestic purposes” in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

“drain” means that portion of the drainage installation that conveys sewage within any premises;

- "drainage installation"** means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste
- water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;
- "drainage work"** includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or, otherwise connected with the drainage of any premises;
- "dwelling unit"** means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;
- "ECA"** means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;
- "effluent"** means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;
- "EIA"** means an environmental impact assessment as contemplated in NEMA , and/or the ECA
- "EIA regulations"** means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;
- "emergency"** means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;
- "enforcement notice"** means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 111;
- "environmental cost"** means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;
- "fire installation"** means a potable water installation that conveys water intended for fire-fighting purposes only;
- "fixed quantity water delivery system"** means a water installation, which delivers a fixed

quantity of water to a consumer in any single day;

"flood level" means that level reached by flood waters resulting from a storm designated in terms of recognized engineering criteria as being of a frequency to be expected once in every 50 years;

"flood plain" means the area below the flood level subject to inundation;

"garbage grinder" means an electrically or mechanically driven apparatus that is designed and made to be installed in a water borne sewage system, that has the function to crush food wastes and flush them down the sewage system and that is deemed to be a water fitting in terms of these by-laws;

(Definition inserted: Notice 1455: 20/06/2008 , PG 162) "General installation" means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

"Household" means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or storm water, and **"trade effluent"** bears the same meaning;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

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

"law" means any law, including the common law;

"main" means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;

"measuring device" means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

"meter" means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation 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;

"National Water Act" means the National Water Act 1998, (Act No. 36 of 1998);

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;

"occupier" means a person who occupies any premises or part thereof;

"owner" includes –

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a license by the State or any statutory licensing body;
- (e) 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; and
 - (ii) A section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

"Person" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs;

- “Pollution”** means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;
- “Premises”** means any piece of land, with or without improvements, the external surface boundaries of which are delineated on-
- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
 - (b) A sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- “prepayment meter”** means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;
- “Prepayment measuring system”** means a meter and ancillary devices, approved by the Council, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;
- “Prescribed”** means, determined by resolution of the Council from time to time;
- “Prescribed fee”** means a fee determined by the Council by resolution in terms of section 10G (7) (a) (ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;
- “Prescribed tariff”** means a schedule of prescribed fees;
- “Professional engineer”** means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- “public notice”** means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;
- “Qualified plumber”** means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate therefor;
- “sanitation services”** means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;
- “SABS”** means South African Bureau of Standards;
- “service pipe”** means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier, and which is connected, or to be connected, to a connection pipe to serve the water installation on the premises;

- "Sampler"** means a person who takes samples for analysis from the sewage disposal and Storm water disposal systems, and who has been certified as qualified to do so by the Council;
- "sewage"** means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include storm water;
- "sewage disposal system"** means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;
- "Sewer"** means any pipe or conduit which is the property of or is vested in the Council and Which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;
- "Standard domestic effluent"** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settle able solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent
- "Storm water"** means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water; "Systems Act" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);
- "Terminal water fitting"** means a water fitting at an outlet of a water installation that controls the discharge of water;
- "Trade premises"** means premises upon which any form of industrial effluent is produced;
- "Water fitting"** means a component of a water installation, other than a pipe, through which water passes or in which it is stored; 12
- "water installation"** means the pipes and water fittings which are situated on any premises and vested in the owner thereof, and used, or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises, or is otherwise laid with the permission of the Council
- "Water services"** means water supply services and sanitation services, as defined in these Bylaws and includes the collection and disposal of industrial effluent;
- "water services work"** means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access

road, electricity transmission line, pipeline, meter, fitting or apparatus, installed or

Used by a water services institution –

- (i) to provide water services;
- (ii) to provide water for industrial use; or
- (iii) to dispose of industrial effluent;

"Water supply services" means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes

"Water supply system" means a structure, aqueduct, pipe, valve, pump, meter or other Apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;

"Wet industry" means an industry which discharges industrial effluent;

"Working day" means a day other than a Saturday, Sunday and public holiday;

"Working month" means a calendar month excluding any Saturday, Sunday, and public holiday.

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

Meaning of certain words the same as in Acts

2. Any word or expression used in these By-laws to which a meaning has been assigned in-
- (a) The Act will bear that meaning; and
 - (b) The National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning; unless the context indicates otherwise.

Levels of Service

3. (1) The Council may provide the various levels of service set out in subsection (2) to Consumers at the fees set out in the schedule of fees, determined by the Council.
- (2) The levels of service shall comprise -
- (a) Service Level 1, which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and it's applicable Regulations, and must consist of-
 - (i) a water supply from communal water points; and
 - (ii) a ventilated improved pit latrine located on each site; and
 - (b) Service Level 2, which must consist of -

- (i) an unmetered water connection to each stand with an individual yard standpipe
- (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
- (iii) a pour flush toilet which must not be directly connected to the water installation; which service must be provided to consumers at the fees set out in the schedule of fees determined by the Council, provided that
 - (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period
 - (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
 - (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
 - (dd) the Council may adopt any measures necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.

(c) Service Level 3, which must consist of -

- (i) a metered full pressure water connection to each stand; and
- (ii) a conventional water borne drainage installation connected to the Council's sewer

- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to Subsection (2) (b) -
 - (a) the Council may install a prepayment meter in the service pipe on the premises; and
 - (b) The fees for water services must be applied in accordance with section 6.
- (4) The level of service to be provided to a community may be established in accordance with the policy of the Council and subject to the conditions determined by the Council.

Application for water services

- 4. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water from the water supply system, or utilize the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.
- (2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date referred to in the application
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of the agreement;
- (4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer for the payment of any prescribed fees under these By-laws.
- (5) An application form must contain at least the following minimum information -

- (a) a statement by the applicant that he or she is aware of and understands the contents of the form;
 - (b) Acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
 - (c) The name of the proposed consumer, and his or her identity or registration number, where applicable;
 - (d) The address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates
 - (e) The address to which accounts must be sent;
 - (f) If water is to be supplied, the purpose for which the water is to be used;
 - (g) The agreed date on which the provision of water services will commence; and
 - (h) a copy of any applicable lease agreement or written confirmation from the Owner or the owner's agent, stating the date of occupation
- (6) Water services rendered to a consumer are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.
- (7) The applicant must be informed if the Council refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence, or is unable to render the water services, and the Council must furnish the applicant with the reasons therefor and, if applicable, the date when the Council will be able to provide such water services

Special agreements for water services

5. The Council may enter into a special agreement for the provision of water services to an Applicant
- (a) inside its area of jurisdiction, if the service applied for necessitates the imposition of Conditions not contained in the prescribed form or in these By-laws; and
 - (b) Outside its area of jurisdiction, if such application has been approved by the Council Having jurisdiction in the area in which the premises to be supplied are situated.

FEES

Prescribed fees for water services

6. (1) all prescribed fees payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed or fees on the specified date must be in terms of section 10 of the Act and regulations made thereunder.
- (2) All fees determined by the Council for the use of the sewers, or for discharge into the Sewage disposal system or otherwise in connection with such system are payable in accordance with the rules in Schedule A of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Council could be, connected to a sewer, the owner of that land must pay to the Council the fees determined by the Council.

Deposit

7. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of

money equal to the estimated fees for two average months water services as determined by the Council.

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

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

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

(b) Refund to the consumer such amount as may be held by the Council in excess of the revised deposit.

(4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.

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

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

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

(8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit must be paid before the water supply is reconnected

Payment for water services

8. (1) Water services provided by the Council to a consumer must be paid for by the consumer at the prescribed fees, for the particular category of water services provided.
- (2) A consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- (3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 7(3).
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees -

- (a) the same quantity of water services must be regarded as having been provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) Any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) will not disentitle the Council from recovering any monies due to it by a consumer.

Payment in respect of prepayment meters

8A When a consumer is supplied with water through a prepayment meter, in addition to the Requirements of sections 7 and 8:

- (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 Council 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.

Accounts

9. (1) Accounts must be rendered and administered in accordance with the requirements of The Council.
- (2) If it is established that a meter is defective, the Council must, in accordance with Section 35:
- (a) in the case of a conventional meter, adjust the account rendered; (b) in the case of A prepayment meter, (a) render an account where the meter has been under-reading; or (b) Issue a free token where the meter has been over-registering.
 - (3) The sections relating to credit control measures in these By-laws shall lapse upon the Promulgation of relevant Credit Control By-Laws by the Council which replace the Measures set out herein.

Accounts: transitional measures

- 9A. (1) Monthly accounts will be rendered to consumers for the amount due and payable, at The address last recorded with the Council.
- (2) Failure by the Council to render an account does not relieve a consumer of the Obligation to pay any amount due and payable.
 - (3) An account rendered by the Council for water services provided to a consumer must Be paid not later than the last date for payment specified in such account, which date Must be at least 14 days after the date of the account.
 - (4) If payment of an account is received after the date referred to in subsection (3), a late Payment fee or interest as may be prescribed, must be paid by the consumer to the Council.
 - (5) Accounts must –
 - (a) Show the following –
 - (Is) the consumption or estimated consumption or assumed consumption as?

- Determined for the measuring and / or consumption period;
- (ii) The measuring or consumption period;
- (iii) The applicable tariff;
- (iv) The amount due in terms of the consumption;
- (v) The amount due and payable for any other service rendered in terms of these Bylaws by the Council;
- (vi) The amount in arrears, if any;
- (vii) The interest payable on any arrears, if any;
- (viii) The final date for payment; and (ix) the methods, places and approved agents where payment may be made; and

(b) State that –

- (i) the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments, at the Council's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
- (ii) If no such agreement is entered into the Council may terminate or limit the water services after sending a final demand notice to the consumer;
- (iii) Legal action may be instituted against any consumer for the recovery of any amount 30 days in arrears;
- (iv) The defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
- (v) The account may be handed over to a debt collector or attorney for collection;
- (vi) Proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in before the final date for payment; and
- (vii) An indigent consumer is only entitled to basic water supply services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.

Queries or complaints in respect of account

9. B (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account, or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Council must register the query or complaint and provide the consumer with a reference number.
- (5) The Council must–
- (a) Investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was registered; and
 - (b) Must inform the consumer, in writing, of its finding as soon as possible thereafter, Whereupon any arrears found to be due are payable must be paid within seven days from the date on which the consumer is notified of the amount found to be due and payable.

Arrears

9. C (1) if a consumer fails to pay the amount due and payable on or before the final date for

payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.

- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following -
 - (a) the amount in arrears and any interest payable, and the date by which such arrears and interest must be paid;
 - (b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 days of the date of the final demand notice;
 - (c) that if no such agreement is entered into within the stated period that the water services will be discontinued or limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 days or more in arrear, without further notice;
 - (d) that the consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector or attorney for collection;
 - (f) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in to the Council on or before the date for payment contemplated in paragraph (a); and
 - (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
 - (h) an opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in paragraph (a).
- (4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Council.
- (6) The Council may, after the expiry of the period allowed for payment in terms of the final demand notice, hand deliver or send, per mail, to the last recorded address of the consumer -
 - (a) a discontinuation notice informing such consumer that the provision of water services will be, or has been discontinued on the date stated on the discontinuation notice;
 - (b) a discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected.
- (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice complying with the provisions of subsections (3)(a) to (g) must be given to the consumer in the manner provided for in subsection (1), stipulating that no further representations may be made.

- (8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), having been observed, save that the Council's reasons for its decision to act must be supplied within seven days after a request therefore; the Council may discontinue water services to a consumer if -
- (a) full payment was not received within the period stated in the final demand notices referred to in subsections (3) and (7);
 - (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) no proof of registration as an indigent was furnished within the period provided for in the final demand notice contemplated in subsections (3) and (7);
 - (d) no payment was received in accordance with an agreement for payment of arrears;
 - (e) no representations as contemplated in paragraph
 - (h) of subsection (3) were made within the period provided for in the final demand notice, contemplated in subsection (3); and
 - (f) the representations referred to in subsection (7) have not been wholly acceded to by the Council.
- (9) Where an account rendered to a consumer remains outstanding for more than 60 days -
- (a) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter; and (b) may be handed over to a debt collector or an attorney for collection.
- (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly in proportion to the participation quota of each sectional title unit.
- (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fee, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.
- (13) Subject to the provisions of the Act, an agreement for payment of the arrears amount in instalments, entered into after the water services were discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

Agreement for the payment of arrears in instalments

- 9.D (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and

- any payment made by a consumer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order determined by the Council.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
 - (4) No agreement for the payment of arrears will be longer than 24 months, unless the circumstances referred to in subsection (5) prevail.
 - (5) The Council may, on an individual basis, allow a longer period than 24 months for the payment of arrears, if special circumstances prevail, that in the opinion of the Council warrants such an extension and which the consumer could not reasonably prevent or avoid, and documentary proof of any special circumstances must be furnished by the consumer on request by the Council.
 - (6) The Council must, in exercising its discretion under sub-section (5) have regard to a consumer's—
 - (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
 - (7) A copy of the agreement must on request, be made available to the consumer.
 - (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, any administration fee, costs incurred in taking legal action, and penalty, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
 - (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to water services must be discontinued without further notice or correspondence, in addition to any other actions taken against or that may be taken against such a consumer.
 - (10) No consumer is permitted to enter into an agreement for the payment of arrears in instalments, where that consumer failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides.

Termination of agreements

10. (1) Subject to the provisions of sections 9, 9A, 9B, 9C and 9D –
 - (a) a consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so;
 - (b) the Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if -
 - (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the

- continuation of the agreement;
 - (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section III or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or
 - (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;
- (2) the Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (3) (a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (b) Should the consumer fail to carry out such measures, the Council may, subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

Limitation and/or discontinuation of water services

11. (1) Subject to the provisions of sections 9, 9A, 9B 9C, 9D and 10, the Council may limit or discontinue water services provided in terms of these By-laws -
- (a) at the written request of a consumer;
 - (b) if the agreement for the provision of services has been terminated in terms of section 10 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
 - (c) if the building on premises to which services were provided has been demolished;
 - (d) if the consumer has unlawfully interfered with the water installation or service in any way;
 - (e) in an emergency;
 - (f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - (g) if the use of the water services is creating significant environmental damage or water pollution.
- (2) The Council will, where a water service has been in terms of subsection (1)

discontinued, only be obliged to restore it when the prescribed fees for the discontinuation and reconnection of the water service and any applicable deposit have been paid.

Restoration of water services

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

Water services via, and responsibility for, a communal sewer

13. The Council must provide sanitation services in respect of a communal sewer, only once an agreement whereby the community served by that sewer has, by means of an association or other legal entity, concluded an agreement for the maintenance and repair of the communal sewer with the Council, and such service must be supplied in accordance with the provisions of that agreement, read with the provisions of these By-laws.

Obligations

14. (1) The Council must take reasonable measures to realize the right of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations contained in the Act.
 - (2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the representative of any such person, and who or which desires to consume water must make application to the Council to acquire such services.
 - (3) If the Council is unable to meet the general requirements of all its consumers, it must give preference to providing a basic water supply and basic sanitation services to all its consumers.
- (4) The Council shall not be obliged to provide water services -
 - (a) to areas or consumers outside the defined limits of the Council's area of jurisdiction;
 - (b) where, due to the nature of the topography, water services cannot be provided economically and/ or cost effectively; or
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers.

Prohibition of access to water services other than through the Council

15. (1) No person is permitted to have access to water services from a source other than the Council, without its written approval.
 - (2) Despite the provisions of subsection (1) hereof, a person who, at the commencement 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;

- (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 Council, if the application for approval is refused.
- (3) In granting approval, the Council may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Council.

Environmental impact assessments

16. (1) If an EIA is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA, and for the expenses connected therewith
- 25
- (2) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

General responsibility for compliance with these By-laws, and other laws

17. (1) The owner of premises is ultimately responsible for ensuring compliance with these By laws in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water service
- (3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

Unauthorized use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) A designated officer may issue a compliance notice in terms of section III to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorized use of water services to -
- (a) Apply for such services in terms of section 4 or 5; and
 - (b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

Purpose of water services

19. Where the purpose or extent for which water services are used is changed, the consumer must inform the Council, and must enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect 26.

Interference with water supply system or any sanitation services

20. (1) No person may –
- (a) operate or maintain any part of the water supply system;
 - (b) operate any sewage disposal system;
 - (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
 - (d) render any other sanitation services, unless in any such case he or she has been authorized to do so by the Council in writing.

(2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

Obstruction of access to water supply system or any sanitation service

21. No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee of the Council.

CHAPTER 2

WATER SUPPLY SERVICES

Provision of connection pipe

22.

- (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 make application on the prescribed form and pay the prescribed fees for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1 and Service

Level 2.

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

Location of connection pipe

- (1) A connection pipe provided and installed by the Council must-

- (a) Be located in a position determined by the Council after consultation with the owner referred to in section 22(1), and be of a suitable size as determined by the Council; and
- (b) Terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.

- (2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate at the boundary of the land owned by the Council, or vested in it
- (3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

24. Provision of Single Water Connection for Supply to Several Consumers on Same Premises

- (1) 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 accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires

the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Council may, in its discretion, provide and install either -

- (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be -
- (a) Must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers-
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) Is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Council may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorized by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

Interconnection between Premises or Water Installations

25. An owner of premises must ensure that no interconnection exists between –
- (a) The water installation on his or her premises and the water installation on any other premises; or
 - (b) Where several dwelling or business units are situated on the same premises, the water installations of such units,

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

Disconnection of Water Installation from Connection Pipe

- 26 The Council may disconnect a water installation from the connection pipe and remove the connection pipe if -
- (a) the agreement for supply has been terminated in terms of section 10 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or

- (b) The building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

Water Supplied From a Hydrant

- 27. (1) The Council may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- (2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) must apply therefor.
- (3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

Quantity, Quality and Pressure

- 28. Water supply services provided by the Council must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

General Conditions of Supply

- 29. (1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or 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 of quality of water:

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Council must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- (3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she must make provision in the water I installation for such maintenance.
- (4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and must inform the first mentioned consumer of such restrictions.
- (6) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason

- (7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- (8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- (9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

Measuring Of Quantity of Water Supplied

- 30. (1) The Council must measure the quantity of water supplied at such regular intervals as the Council may determine, but which must not exceed 180 days.
- (2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, must be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner must –
 - (a) Provide a place satisfactory to the Council in which to install it;
 - (b) Ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) Ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - (e) Make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;
 - (f) Not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- (6) No person other than an authorized official of the Council may –
 - (a) Disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - (b) Break a seal which the Council has placed on any meter; or
 - (c) In any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the

owner of the premises concerned the prescribed fees for the installation of the replacement meter.

- (8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit: Provided that where a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.
- (9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

Quantity of Water Supplied To Consumer

- 31. (1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that, other than in the case of prepayment meters -
 - (a) The quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) The measuring device was accurate during such period; and
 - (c) The entries in the records of the Council were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- (3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on –
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and/or
 - (b) The period preceding the date referred to in subsection (2) but not exceeding 36 months.
- (5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- (6) The Council must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.

- (7) If a contravention of section 30(6) occurs, the consumer must pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- (8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- (9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- (11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- (12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- (13) Failure by the Council to comply with the period of 180 days referred to in subsections (4) (a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

Prepayment Metering

- 31. A (1) Prepayment metering systems shall comply with the requirements of SABS Code 1529 Part 9- 2002
- (2) The conditions set out in sections 30, 31, 32, 33, 34 and 35 in respect of conventional meters must apply in respect of prepayment meters unless otherwise provided for in these By-laws.

Defective Measurement

- 32. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her or installed by the Council, is defective, he or she may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- (2) The consumer referred to in subsection (1) must lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.

- (3) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (4) The consumer referred to in subsection (2), must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such test being undertaken.
- (5) If the outcome of any test shows that a measuring device is -
 - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding; or (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (6) Any deposit lodged by a consumer for the testing of a measuring device -
 - (a) May be retained by the Council if the measuring device is found not to be defective; or
 - (b) Must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer;
- (7) If the measuring device is -
 - (a) a meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 1, it 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 that specification.
 - (b) a meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS Code 1529 Part 4-1998 if it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification.
 - (c) a prepayment water measuring system, this shall be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 9 – 2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- (8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council must-
 - (a) Repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 30(6) has been contravened;

- (b) Determine the quantity of water services for which the consumer will be charged on the basis set out in section 35.
- (9) A consumer is entitled, on giving the Council reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- (10) Any meter removed for testing by the Council must be retained intact and be available for inspection for a period of three months after testing.

Special Measurement

33. (1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal must be carried out at the expense of the Council.
- (3) The provisions of section 32 apply in respect of a measuring device installed in terms of subsection (1).

No reduction of amount payable for water wasted

34. A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

Adjustment of Quantity of Water Supplied Through Defective Measuring Device

35. (1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
- (a) A period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
 - (b) The period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
 - (c) The period between three successive measurements prior to the measuring device becoming defective.
- (2) (a) if the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity; and
- (b) The consumer must be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

Approval of Installation Work

36. (1) If an owner wishes to have installation work done, he or she must first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or in terms of any by-laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorization in respect thereof.
- (3) Application for the permission referred to in subsection (1) must be made on the prescribed form and must be accompanied by -
- (a) The prescribed fees, if applicable;
- (b) Copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; or
- (c) A certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code 0252: Part I or, has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 4, issue a compliance notice requiring the owner of the premises concerned -
- (a) To comply with the relevant subsection, within a specified period; (b) if the work is still in progress, to cease the work; and (c) to remove all such work as does not comply with these By-laws.

Persons Permitted To Do Installation and Other Work

37. (1) No person who is not a qualified plumber may be permitted to –
- (a) Do any installation work other than the replacement or repair of an existing pipe or water fitting;
- (b) Replace a fixed water heater or its associated protective devices;
- (c) Inspect, disinfect or test a water installation, fire installation or storage tank;
- (d) Service, repair or replace a back flow preventer; or
- (e) Install, maintain or replace a meter provided by an owner in a water installation

- (2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

Provision and maintenance of water installation

- 38. (1) An owner must provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of these By-laws, must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

Technical Requirements for a Water Installation

- 39. (1) Notwithstanding the requirement that a certificate be issued in terms of section 36(3)(c), all water installations must comply with SABS Code 0252 Part 1 and all fixed electrical storage water heaters must comply with SABS Code 0254.
- (2) In addition to any requirement of SABS Code 0252 Part 1, the consumer must, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

Use of pipes and water fittings to be authorized

- 40. (1) No person may, without the prior written permission of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.
- (2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if
 - (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) It bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- (4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or water fitting may be removed from the schedule if it -

- (a) No longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule referred to in subsection (1) must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed fees.

Unlawful Water Installation Work

41. Where any installation work has been constructed in contravention of the provisions of these By-laws, the owner must on receiving a compliance notice by the Council carry out such alterations to the installation as prescribed in the notice.

Labeling Of Terminal Water Fittings and Appliances

42. A terminal water fitting and appliance using or discharging water must be marked, or have included within the packaging of the item, the following information:
- (a) The range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - (b) The flow rates, in liters per minute, related to the design pressure range, including at least the following water pressures -
 - (i) 20 kPa;
 - (ii) 100 kPa; and
 - (iii) 400 kPa.

Owner to Prevent Pollution of Water

43. An owner must provide and maintain effective measures to prevent the entry of any substance or matter, which may be a danger to health or may adversely affect the portability of water or affect its fitness for use, in -
- (a) The water supply system or plant; and
 - (b) any part of the water installation on his or her premises.

Protection of Water Supply System

- 43A. (1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
- (a) A fire or combined installation on premises; and
 - (b) A general installation serving the following activities-
 - (i) Medical treatment of people or animals;
 - (ii) Medical, pharmaceutical or chemical research and manufacturing;
 - (iii) Agriculture, including dairies and nurseries;
 - (iv) Photographic processing;
 - (v) Laundering and dry-cleaning;
 - (vi) Metal plating;
 - (vii) Treatment of skins and hides; and
 - (c) a general installation serving-
 - (i) Mortuaries;
 - (ii) Abattoirs;
 - (iii) Sewage purification works;
 - (iv) Refuse processing plants;
 - (v) Oil processing and storage facilities;
 - (vi) Wineries, distillers, breweries, yeast and cold drink factories;

- (vii) Sports facilities; or
 - (viii) any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the portability of water in the event of a substance resulting from such activity entering the water supply system; and
 - (d) A general installation on any premises after a compliance notice by the Council to do so.
- (2) The measures required in terms of subsection (1) are-
- (a) The discharge of water from the service pipe into a storage tank through an air gap; or
 - (b) The passing of water through-
 - (i) A reduced pressure backflow preventer; or
 - (ii) A double check backflow preventer; or
 - (c) Any other measures approved by the Council which achieve the same purpose.

Design and Installation of Backflow Preventer

43B. a backflow preventer contemplated in section 43A must be designed and installed in accordance with the requirements of SABS Code 0252 Part 1.

Inspection and Servicing Of Backflow Preventer

- 43C. (1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his own expense, cause the backflow preventer to be-
- (a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and
 - (b) Replaced or completely overhauled once in every 5 years.
- (2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded:
- (a) The name and address of the contractor who carried out the servicing;
 - (b) The date on which the work was done; and
 - (c) The details of the repairs or replacements that were effected;

Protection of water installations

- 43D. (1) The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of-
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit; (b) a fire hose reel in a combined installation;
 - (c) An underground irrigation system; or
 - (d) Any other fitting which may provide contact between polluted water and the water installation.

Water Restrictions

44. (1) whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 83A of the Local Government Ordinance, No. 17 of 1939.

- (2) Whenever it acts in terms of subsection (1), the Council must cause a notice of the resolution taken in terms of section 83A(1) of the Local Government Ordinance, 1939, to be published in one or more local newspapers, in two of the official languages.
- (3) Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 83A of the Local Government Ordinance, 1939, without taking the resolution contemplated in that section.

Waste of Water Unlawful

- 45. (1) No consumer may permit -
 - (a) The purposeless or wasteful discharge of water from terminal water fittings;
 - (b) Pipes or water fittings forming part of a water installation to leak;
 - (c) The use of maladjusted or defective water fittings in a water installation;
 - (d) an overflow of water from a water installation to persist; or
 - (e) A wasteful 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 event referred to in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection therewith.
- (4) Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

PROHIBITION OF USE OF CERTAIN EQUIPMENT IN A WATER INSTALLATION

- 46. A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

Sampling of Water

- 47. (1) The Council may take samples of water obtained from a source other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in section 50(2).
- (2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

Testing Of Pressure in Water Supply System

- 48. The Council must, on application by an owner and on payment of the prescribed fees, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises, over such period as the owner may request.

Pipe in Street or Public Place

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

Use of water from source other than the water supply system

50. (1) Except with the prior permission of the Council, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, and in accordance with such conditions as the Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- (2) Any person requiring the permission referred to in subsection (1) must, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements of SABS Code 241:1999 (Fourth Edition): Drinking Water, and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- (3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council -
- (a) A condition imposed in terms of that subsection is breached; or
 - (b) The water 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 such water or a portion thereof into the sewage disposal system, the Council must install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (5) The provisions of section 30 must apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

Special Provisions for Fire Services

51. (1) any water installation for the provision of water for firefighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 51 to 61 inclusive apply, insofar as they are applicable, to the supply of water for firefighting purposes.

Payment for Fire Services

52. The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Dual and Combined Installations

53. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services -
- (a) If, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
 - (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
 - (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Council, at the consumer's expense, within 90 meters of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
 - (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection Pipes for Fire Extinguishing Services

54. (1) a single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.
- (2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- (3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

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Valves in Connection Pipe

55. Every connection pipe must be fitted with a proper gate valve, which must be -
- (a) Supplied by the Council at the expense of the consumer;
 - (B) installed between the consumer's property and the main;
 - (c) Of the same diameter as the connection pipe; and
 - (d) Installed in such position as may be specified by the Council.

Inspection and Approval of Fire Extinguishing Installation

- 56 No water may be supplied to any fire extinguishing installation until -
- (a) It has been inspected and tested by the Council;
 - (b) The Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
 - (c) The fees determined by the Council for such inspection and testing have been paid.

Connection TO BE AT THE PLEASURE OF THE Council

57. (1) The Council, is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections, 54(3) or 54(4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in Fire Extinguishing Connection Pipe

58. The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

Sprinkler Extinguishing Installation

59. A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

Header Tank or Double Supply from Main

60. (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Council's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

Sealing Of Private Fire Hydrants

61. (1) (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (b) Every owner or consumer must give the Council at least 48hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- (2) The cost of resealing a hydrant and hose-reel referred to in subsection (1) (a), must be borne by the consumer except when such seal is broken by the Council's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a

fire, must be paid for by the consumer at the fees determined by the Council for domestic purposes.

- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Council.

CHAPTER 3 SANITATION SERVICES

Objectionable Discharge to Sewage Disposal System

62. (1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
- (a) Which may be offensive to, or may cause a nuisance to the public;
 - (b) Which is in the form of steam or vapor or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
 - (c) Which has a pH value less than 4.0;
 - (d) Which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapors in any sewer;
 - (e) Which contains any substance having an open flashpoint of less than 93 degrees Celsius or which gives off a poisonous vapor at a temperature below 93 degrees Celsius;
 - (f) Which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
 - (g) Which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
 - (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odor or color, or excessive foam;
 - (i) which contains any substance listed in Schedule D –
 - (i) In amounts higher than those specified therein;
 - (ii) Which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - (iii) Which may prejudice the use of sewage effluent for re-use; or
 - (iv) Which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;
 - (j) Which contains any substance of whatsoever nature which–
 - (i) Which is not amenable to treatment at the sewage treatment plant, or
 - (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (iii) is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
 - (k) Whether listed in Schedule D of these By-laws or not, either alone or in combination with other matter may –
 - (i) Generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or
 - (ii) Adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
 - (iii) Adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.

- (2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter –
 - (a) Any storm water drain, storm water sewer or excavated or constructed water course;
 - (b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) Any street or premises.
- (3) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
- (4) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention must as soon as possible notify the Council of the details of the contravention and the reason for it.

Disposal of Sludge, Compost and Manure

- 63. (1) Except when prohibited by any law, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Council or sewage farm associated therewith, on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed, as the Council may impose or as may be required in terms of any law.
- (2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Council.

Application for Infrastructure

- 64. (1) If an agreement for on-site sanitation and associated services in accordance with section 4 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and -
 - (a) Pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) With the approval of the Council install on-site sanitation services in accordance with the specifications of the Council.
- (2) In approving an application for the installation of infrastructure, the Council may specify the type of on-site sanitation services to be installed.

Septic Tank and Treatment Plant

- 65. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Council.

- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Council, or any other law.

French Drain

66. The Council may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a French drain, soakage pit or other approved work.

Conservancy Tank

67. The Council may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

Ventilated Improved Pit Latrine

68. The Council may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of water table, any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Council.

Services Associated With On-Site Sanitation Services

69. The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined from time to time by the Council.

Fees In Respect Of Services Associated With On-Site Sanitation Services

70. (1) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule A of these By-laws.
- (2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Council of not less than 48 hours' notice in writing from the owner or occupier of the property or premises to discontinue the service.
- (3) The fees for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired;
- (4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the fee must cease as from the date and time of receipt of the written notice.

Disused Conservancy and Septic Tanks

71. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated;
- (2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

Provision of a Connecting Sewer

72. (1) If an agreement for the use of a sewage disposal system in accordance with section 4 has been concluded, the Council may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewage disposal system, at the Council's own expense, connect the drainage installation to the sewage disposal system.
- (2) Any connection required by the owner subsequent to the initial connection provided by the Council is subject to the approval of the Council and must be installed at the owner's expense.
- (3) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sewage disposal system.
- (4) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

Location of Connecting Sewer

73. (1) a connecting sewer provided and installed by the Council in terms of section 72 shall be located in a position either agreed to between the owner and the Council, or if no agreement can be reached, determined by the Council, and be of a size determined by an authorized official.
- (2) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises.
- (3) The applicant contemplated in subsection (2) is responsible for any extension of the drainage installation to the connecting point so agreed, and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

Interconnection between Premises

74. Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such permission.

Disconnection of Drainage Installation from Connecting Sewer

75. The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the fees determined by the Council, if –
- (a) Notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
 - (b) The building on the premises concerned has been demolished.

Acceptance of Sewage Delivered By Road Haulage

76. The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the any sewage treatment plant by road haulage.

Written Permission for Delivery of Sewage by Road Haulage

77. (1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission.
- (2) The fees for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed fees applicable.

Conditions for Delivery of Sewage by Road Haulage

78. When sewage is delivered by road haulage -
- (a) The time of delivery must be arranged with the Council;
 - (b) the nature and composition of the sewage must be established to the satisfaction of the Council prior to the discharge thereof from the container in which it is delivered, and no person may deliver sewage that does not comply with the standards laid down in or in terms of these Bylaws; and
 - (c) All other requirements in terms of SABS Codes 0231 and 0232 and any other applicable law must be complied with.

Withdrawal of Permission for Delivery of Sewage by Road Haulage

79. (1) The Council may subject to the provisions of the Promotion of Administrative Justice Act, 2000, withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person -
- (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in section 62 and Schedule D, whichever is applicable, or in the written permission referred to in section 77(1);
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws, or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and

Application for Disposal of Industrial Effluent

80. (1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed in Schedule C for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.
- (2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to such conditions it may determine and impose, grant an application made in terms of subsection (1).
- (3) The provisions of Chapter 1 will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of subsection (2).
- (4) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Council in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.
- (5) Upon receipt of the notification referred to in subsection (4), the Council may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse permission for the change.
- (6) Any person who wishes to construct or cause to be constructed a building which is to be used as trade premises must, at the time of lodging his or her building plan in terms of section 4 of the National Building Regulations and Building Standards Act 1977, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).
- (7) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or other standards by the Council, or in terms of the National Water Act, or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any conditions attached to such permission, and / or impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous permission or conditions, as the case may be, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

Installation, Supply and Usage of Garbage Grinders

- 80A (1) No person shall install, supply or use a garbage grinder without the prior written approval of the Council.

- (2) Any person who is in the business of supplying garbage grinders shall keep a record of all garbage grinders that are kept in stock and that are sold and shall at the written request of the Council furnish the Council with a copy of such record.

(Section 80A inserted: Notice 1455: 20/06/2008, PG 162)

Unauthorized Discharge of Industrial Effluent

81. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of section 80(2), shall be guilty of an offence and liable, in addition to the penalties provided for in section 119(3), to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorized discharge.
- (2) Apart from the powers and rights of the Council in terms of subsection (1) and section 84, the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 62 read with Schedule D, or who has been the subject of any action taken by the Council in terms of section 84(2), all loss, damages, costs, expenses and fees incurred by the Council as a result of any or all of the following:
- (a) The death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of -
 - (i) The sewer;
 - (ii) Any sewage treatment plant;
 - (iii) Any mechanical appliance; and
 - (iv) Any other property whatsoever whether or not under the control of the Council; and
 - (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.
- (3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorized in terms of these by-laws is guilty of an offence.

Quality Standards for Disposal of Industrial Effluent

82. (1) A person to whom permission has been granted in terms of section 80 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council, unless it complies with the standards and criteria set out in section read with Schedule D.
- (2) (a) The Council may by endorsement on the permission concerned, relax or vary the standards and criteria referred to in subsection (1), if the Council is satisfied that any such relaxation represents the best practicable environmental option.

- (b) In determining whether relaxing or varying the standards and criteria referred to in subsection (1) represents the best practicable environmental option, the Council must consider -
 - (i) Whether the applicant's undertaking is operated and maintained at optimal levels;
 - (ii) Whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (iii) Whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to the satisfaction of the Council;
 - (iv) The cost to the Council of granting the relaxation or variation; and
 - (v) The environmental impact or potential impact of such a relaxation or variation.
- (3) Test samples may be taken at any time by a sampler to ascertain whether any industrial effluent complies with the standards and criteria mentioned in subsection (1) or any other standard laid down in a written permission issued in terms of subsection (2).

Conditions for Disposal of Industrial Effluent

83. (1) A designated officer may subject to the provisions of Chapter 4, issue a compliance notice requiring the person in charge of any enterprise that generates industrial effluent to-
- (a) Subject the industrial effluent to such preliminary treatment as will ensure that it conforms to the standards and criteria prescribed in section 82 before being discharged into the sewage disposal system;
 - (b) install such equalizing tank, valve, pump, appliance, meter and control system and other equipment as in the opinion of the designated officer will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the requirements of section 82;
 - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewage disposal system through a separate connection as directed by the designated officer, and such notice may prohibit the discharge of the effluent through any drainage installation intended or used for the conveyance of wastewater and standard domestic effluent, or prohibit the discharge of any wastewater and standard domestic effluent through the separate drainage installation for industrial effluent;
 - (d) Construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the designated officer may prescribe;
 - (e) Provide all such information as may be required by the designated officer to enable the Council to assess the prescribed fee due to the Council;
 - (f) Provide adequate facilities such as a level or overflow detection device, standby equipment, overflow catch-pit, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority accepted by the Council, at

- the cost of that person at such intervals as are stated in the notice, and to forward a copy of the calibration certificate to the Council;
- (h) cause the industrial effluent to be sampled and analyzed as often and in such manner as may be prescribed by the designated officer and provide the Council with the results of these tests when completed; and
 - (i) Manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.
- (2) The cost of any treatment, plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of subsection (1) must be borne by the person discharging the industrial effluent.
 - (3) In the event that any industrial effluent that does not comply with the standards prescribed or permitted in terms of section 82 is discharged into the sewage disposal system, the Council must be informed by the owner or occupier of the premises of the incident and the reasons therefor within twelve hours of such discharge.

Withdrawal of Written Permission for Disposal of Industrial Effluent

84. (1) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may withdraw any permission, after giving at least 14 days' written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system, if that person or any employee, contractor or consultant of that person -
- (a) Fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed or permitted in terms of section 82; or
 - (b) Fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted.
 - (c) Fails to pay the assessed fees in respect of any industrial effluent discharged into the sewage disposal system.
- (2) Subject to the provisions of Chapter 4, the Council may, on withdrawal of any written permission and after notifying the owner and occupier of its intention to do so -
- (a) In addition to any other steps prescribed in these By-laws, authorize the closing and sealing of the connecting sewer of the said premises conveying such effluent to the sewer;
 - (b) refuse to accept any industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged will conform with the standards prescribed in these By-laws; and
 - (c) Close off the water supply to the industrial process.
- (3) No person may, without the written permission of the Council, open or break the seal of a drain closed and sealed off in terms of subsection (2) or cause or permit this to be done.

- (4) In the event of the Council acting in terms of subsection (2), the owner or occupier of the premises must furnish written proof to the authorized official that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the authorized official.

Measurement of Quantity of Standard Domestic Effluent Discharged

85. (1) the quantity of standard domestic effluent discharged must be determined as a percentage of the water supplied to those premises by the Council;
- (2) If the Council is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows -
 - (a) 1, 0 kiloliter per full-time staff member per working month;
 - (b) 4, 0 kiloliter per resident per working month, not included in paragraph (a); and
 - (c) For staff canteens: 0, 15 kl per meal prepared per working month; for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.
- (4) Where premises are lawfully supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Council, taking into account any representations which may be made by the consumer.

Measurement of Quantity of Industrial Effluent Discharged

86. (1) The Council may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the quantity or composition of the industrial effluent.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Council may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) The Council is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (5) Notwithstanding the foregoing provisions of this section, the Council may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Council may deem necessary to record the water consumption in a specific part of the premises.

- (6) The Council may determine a rebate to apply to the fees determined in accordance with Schedule A if the owner or occupier discharges industrial effluent –
 - (a) Solely during periods specified by the Council; and /or (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (7) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Council may, on application, reduce the assessed quantity of industrial effluent.
- (8) Upon payment of the prescribed fee determined by the Council for the installation of any meter, the Council must install on any premises, a separate meter to record the consumption of water -
 - (a) Obtained from any source other than the Council's water supply, or (b) which, after use, will not reach a drainage installation.

Reduction in the Quantity Determined In Terms Of Sections 85 and 86

- 87. (1) A consumer is entitled to a reduction in the quantity determined in terms of sections 85 and 86 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted, or a leakage on the water installation was undetected, if the consumer satisfies the Council that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity referred to in subsection (1) must be based on the assessed quantity of water loss through leakage or wastage during the leak period.
- (3) The leak period is either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity of water supplied.
- (4) The quantity of water lost will be calculated as the consumption for the leak period less an average consumption, based on the three months after the repair of the leak, for the same length of time as the leak period.
- (5) If no previous consumption history is available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
- (6) There will be no reduction in the quantity determined in terms of sections 85 and 86 if the loss of water resulted directly or indirectly from the consumer's failure to comply with, or as a result of a contravention of these By-laws.

Construction or Installation of Drainage Installation

- 88. Any drainage installation must comply with SABS Code 0400-1990 Part P, Drainage and any amendments thereto.

Use of Pipe and Fitting in Drainage Installation to Be Authorized

89. (1) No person may, without the prior written permission of the Council install or use a pipe or fitting in a drainage installation within the Council's area of jurisdiction, unless it is of a type included in the schedule referred to in section 40(1).
- (2) Application for the inclusion of a type of pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or fitting may be included in the schedule referred to in subsection (1) if -
- (a) it bears the standardization mark of the SABS in respect of the relevant SABS specification issued by the Bureau; or (b) it bears a certification mark issued by the SABS to certify that the type of pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are valid for this purpose beyond a period exceeding two years from the date of issue.
- (4) The Council may, in respect of any type of pipe or fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or fitting may be removed from the schedule referred to in subsection (1) if it -
- (a) No longer complies with the criteria upon which its inclusion was based; or
- (b) is no longer suitable for the purpose for which its use was accepted.
- (6) (a) the current schedule must be available for inspection at the office of the Council at any time during working hours; and
- (b) The Council may sell copies of the current schedule at the fees prescribed from time to time.

Approval of Drainage Work

90. (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Council in writing.
- (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.
- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Council.

Unlawful Drainage Work

91. (1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must subject to the provisions of Chapter 4, on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.

- (2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner must, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.
- (3) The Council must, subject to the provisions of Chapter 4, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

Ingress of Storm water Into Drainage Installation Prohibited

92. (1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R2 378 of 12 October 1990, as amended, to enter the drainage installation.
- (2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- (4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 95 and Chapter 4, carry out such alterations to the installation as it may deem necessary to ensure compliance with the Provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Council.

Emission of Gas

93. When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense, to take such action as may be necessary to prevent such nuisance.

Industrial Grease Traps

94. (1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapor at a temperature of or

exceeding 20 degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry there of into the sewer.

- (3) The tank or chamber must be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber must maintain a register in which shall be recorded-
 - (a) The dates on which the tank or chamber was cleaned;
 - (b) The name, address, and telephone number of the company employed to clean the tank or chamber; and
 - (c) A certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

Mechanical Appliances for Lifting Sewage

95. (1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation, the Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.
- (2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner must apply in writing to the Council for permission to do so in the form set out in Schedule B to these By-laws and must thereafter furnish such additional information as the Council may require.
- (3) The form prescribed in subsection (2) must be completed by a professional engineer, and the undertaking annexed to such form must be signed by the owner of the premises, and must be accompanied by drawings of the proposed installation.
- (4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, must be as prescribed by the Council who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.

Drain In Street or Public Place

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

Construction by Council of Drainage Work

97. The Council may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

Maintenance of Drainage Installation

98. (1) the owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed fees determined by the Council.
- (3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.
- (5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.
- (6) The Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof, and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

Installation of Pre-Treatment Facility

99. The Council may require that any premises which require connection to a sewage disposal system for the first time, must be provided with a minimum pre-treatment facility of a type specified by it prior to those premises being connected to the sewage disposal system.

Protection from Ingress of Floodwater

100. Where premises constructed within, or any portion of a property lie within the 1 in 50 years flood plain, the top level of any manhole, inspection chamber and gully located below the level of such flood plain must be above the 1 in 50 years flood level, except in the case of a manhole and inspection chamber the cover of which is secured in place by approved means.

CHAPTER 4
ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

Authorization of Designated Officer

101. A service provider as contemplated in the definition of Council and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorize any person in its employ to be a designated officer.

Functions of Designated Officer

102. (1) a designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this section and the powers set out in section 103, in accordance with the procedure outlined in sections 104 and 105.

Powers of Designated Officer

103. (1) a designated officer who executes work or conducts an inspection may –
- (a) Execute work on or inspect premises;
 - (b) Question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) Question a person whom the designated officer believes may have information relevant to the work or inspection;
 - (d) Inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - (e) Copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) Take samples of any substance that is relevant to the work or inspection;
 - (g) Monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
 - (i) Do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these by-laws.
- (2) A designated officer who removes anything other than a substance contemplated in subsection (1) (f) from premises being worked upon or inspected, must –
- (a) Issue a receipt for it to the owner or a person in control of the premises; and
 - (b) Return it as soon as is practicable after achieving the purpose for which it was removed.

Procedure to Execute Work or Conduct an Inspection: Entry with a Written Authorization

104. (1) A designated officer may subject to section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), has issued a written authorization to enter and execute work or inspect the premises, and the written authorization is still valid.

- (2) A justice of the peace may issue a written authorization to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe
- (A) That, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
 - (b) that there is non-compliance with any provision of these By-laws in respect of the premises; or
 - (c) that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable a designated officer to –
- (a) determine whether or not there has been a contravention of the By-laws on such premises;
 - (b) restore access to the water supply system or any sanitation service where the owner or such person has restricted such access; and
 - (c) properly and effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of the By-laws has taken place, the expenses incurred in performing the work and restoring the premises to their former condition, shall be paid by the Council.
- (5) A written authorization in terms of subsection (2) may be issued at any time and must specifically –
- (a) identify the premises that may be entered and worked on or inspected ; and
 - (b) authorize the designated officer to enter and execute work or inspect the premises and to do anything listed in section 103(1);
- (6) A written authorization issued in terms of subsection (2) is valid until one of the following events occur :
- (a) It is carried out;
 - (b) it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued has lapsed; or
 - (d) three months have passed since the date of issue.
- (7) A written authorization issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of the peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, a designated officer who carries out a written authorization must either –
- (a) if the owner of or a person apparently in control of the premises is present –
 - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - (ii) hand a copy of the written authorization to that person;

- (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorization to the premises in a prominent and visible place.

Procedure To Execute Work Or Conduct An Inspection : Entry Without A Written Authorization

105. (1) A designated officer who does not have a written authorization may subject to section 101 of the Systems Act, enter and execute work or inspect -
- (a) any premises, with the consent of the owner or person apparently in control of the premises; or
 - (b) any premise, except residential premises, on a routine basis –
 - (i) no more frequently than six times during a twelve month period; or
 - (ii) more frequently if permitted by these By-laws for the purposes of any work or inspection
 - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may –
 - (i) disrupt or adversely affect the provision of water and sanitation services;
 - (ii) result in excessive wastage or pollution of water; or
 - (iii) have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or a suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in section 62(1);
 - (e) any premises on which a nuisance is caused by, related to, or emanates from a drainage installation; and
 - (f) any premises on which a contravention of section 20 exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Council, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), a designated officer may enter any premises without a written authorization in respect of which there is an outstanding compliance notice, issued in terms of section 111 for the purpose of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, a designated officer must identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorization must be carried out at a reasonable time in the circumstances.

Observing Fundamental Rights

106. A designated officer who enters and executes work or inspects any premises in terms of this Chapter must do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

Using Force To Enter

107. (1) A designated officer carrying out a written authorization in terms of section 104 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, the person carrying out the written authorization must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- (3) The Council must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to effect an entry to execute work or conduct an inspection in terms of section 105, unless an emergency arises.

Designated Officer May Be Accompanied

108. During the execution of any work or an inspection, a designated officer may be accompanied by either a member of the South African Police Services or a member of the Johannesburg Metropolitan Police Department established under Provincial Notice No. 1893 of 2001, issued in terms of Section 64A (4) of the South African Police Service Act, 1995 (Act No. 68 of 1995), and by any other person reasonably required to assist in executing the work or conducting the inspection.

Duty to Produce Document

109. Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of a designated officer.

Duty to Answer Question and Assist Designated Officer

110. (1) any person who is questioned by a designated officer in terms of this Chapter must answer truthfully and to the best of his or her ability;
- (2) An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to –
- (a) The administration or taking of an oath;
 - (b) The making a false statement; or
 - (c) The failure to answer a lawful question fully and satisfactorily.
- (3) An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

Compliance Notice

111. (1) a designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out –
- (a) The provision that has not been complied with;
 - (b) Details of the nature and extent of non-compliance;
 - (c) Any steps that are required to be taken and the period with which those steps must be taken; and
 - (d) Any penalty that may be imposed in terms of these By-laws in the event of noncompliance with these steps.

Complaints against Persons Other Than the Council or Service Provider

112. Any one may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person –
- (a) Is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
 - (b) is likely to act or has acted contrary to any provisions of these By-laws; in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

Official address

113. (1) For the purpose of the service of any notice, order or other document relating to legal proceedings –
- (a) The address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address, of such owner; and
 - (b) The address of the consumer, as referred to in section 4(5) (e) is deemed to be the official address, of the consumer.
- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

Recovery of costs and fees

114. Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labor and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

Legal compliance warranty

115. Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will –
- (a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
 - (b) Take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
 - (c) insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
 - (d) Bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

False Statement or Information

116. No person may make a false statement or furnish false information to the Council, an authorized official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

Exceptions to application of these By-laws

117. (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorized work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Council, immediately prior to such date.
- (2) For a period of 90 days after the commencement of these By-laws, the Council may give authority for installation work to be done in accordance with any law mentioned in subsection (1).
- (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws : Provided that if in the opinion of the Council, the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these Bylaws within a specified and reasonable period.

Exemptions

118. (1) The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in –
- (a) The wastage or excessive consumption of water;
 - (b) The evasion or avoidance of water restrictions;
 - (c) Significant negative effects on public health, safety or the environment;
 - (d) Non-payment for services;
 - (e) The installation of pipes and fittings which are not approved in terms of these By-laws; or
 - (F) Non-compliance with the Act or any regulations made in terms thereof.
- (2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

Offences

119. (1) It is an offence for any person to –
- (a) Refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
 - (b) Obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
 - (c) Fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
 - (d) Give false or misleading information to a designated officer;
 - (e) Unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
 - (f) Pretend to be a designated officer;
 - (g) Falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
 - (h) Enter any premises without a written authorization in circumstances requiring such authorization;
 - (i) act contrary to a written authorization issued in terms of this Chapter;
 - (j) Without authority –
 - (Is) enter or inspect premises;
 - (ii) Carry out any act mentioned in section 103(1);
 - (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –

- (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.
 - (l) contravene or fail to comply with any provisions of these By-laws;
 - (m) fail to comply with any notice issued in terms of these By-laws;
 - (n) fail to comply with any lawful instruction given in terms of these By-laws; or
 - (o) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws,
- (2) Any alleged offence contemplated in subsection (1), except in paragraph (i) thereof, must be referred to the Johannesburg Metropolitan Police Department referred to in section 108 for investigation with a view to possible prosecution of the offender.
- (3) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and or a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

Application of this Chapter

120. (1) The provisions of the Chapter apply to all persons or bodies, including the State.
- (2) A provision of this Chapter conferring a power or imposing a duty applies in respect of—
- (a) all premises;
 - (b) any person or thing on or in any premises;
 - (c) the owner or occupier of all premises; and
 - (d) any matter relating to premises, a person, or thing.
- (3) For the purposes of this Chapter, the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person

Repeal Of By-Laws

121. The by-laws listed in schedule E are hereby repealed.

Short Title

122. These By-laws are called the Water Services By-laws, 2003.

SCHEDULE A

GENERAL RULES REGARDING FEES

In this Schedule, unless the context otherwise indicates -

"half year" means the period of six months commencing on 1 January and 1 July in each year, as the case may be;

"quarter" means the period of three months commencing on 1 January, 1 April, 1 July and 1 October in each year, as the case may be;

"three monthly period" means the period of three months in the meter reading cycle ending on the date of the last meter reading preceding the end of the quarter.

PART 1

GENERAL RULES REGARDING FEES FOR THE USE OF THE COUNCIL'S SEWERS AND SEWAGE PURIFICATION PLANT IN ACCORDANCE WITH SECTION 6

1. The fees determined by the Council accruing in respect of each -
 - (a) half-year, becomes due and payable in advance on 1 July and 1 January of each year: Provided that the fees payable in terms of section 6 in respect of industrial effluent is payable half-yearly in arrears;
 - (b) quarter, becomes due on the first day of such quarter and payable within six weeks after the first day of such quarter.
2. If any fees determined by the Council in respect of any type of premises is based on the number of inmates, patients, servants, students, staff or other persons resident or occupying such premises, the Council may require a certificate specifying the number of persons occupying or accommodated on such premises during any particular period to be furnished to it by the person in charge of such premises.
3. If any person who is required to furnish a return in terms of these By-laws, or this Schedule or to provide such other information as may be necessary to enable the Council to assess the amount payable in terms of a fee determined by the Council, fails to do so within 30 days after having been called upon to do so by notice in writing, he or she is liable to pay such fees as the Council may then assess on the best information available to it, subject to the Council's entitlement to levy any additional fees which may be applicable when further information becomes available.
4. In all cases of dispute as to the date from which a fee becomes applicable, the decision of the Council is final.
5. In the case of premises not connected to the municipal sewer the fees determined by the Council and contemplated in section 6 shall become payable with effect from the date on which the Council requires that a connection be made or with effect from the date when the premises are in fact connected, whichever is the earlier.
6. The fees determined by the Council for domestic sewage, industrial effluents, swimming pools, fountains and reservoirs, remain effective in the case of buildings wholly unoccupied or in the course of demolition until the date on which the Council is requested to seal the openings to the Council's sewer.
7. If any change is made in the nature of the occupation or the use of any premises which requires the application of a different fee determined by the Council, no claim for any adjustment of an account rendered or any refund of monies paid in terms of these By-laws will be entertained by the Council unless notice in writing of the change is given to the Council within 30 days of the date of its occurrence.
8. (a) The Council must designate the category of domestic sewage into which premises connected to the municipal sewer fall, for purposes of

- assessment of the amount payable in accordance with the fees determined by the Council; and
- (b) for the purpose of the designation referred to in this rule the Council may require the owner or occupier of any premises to furnish it with information to its satisfaction reflecting the number of dwelling-units on the premises.
9. (1) The fees determined by Council for premises other than those referred to in rule 2 shall be assessed in advance for each quarter, and shall be based on a quantity equal to the water consumption metered in terms of Chapter 2, sections 30 to 35 of these By-laws, for the meter reading cycle of three months preceding the last meter reading prior to the quarter in question Provided that:
- (a) in the case of new premises or if the record of metered consumption on existing premises does not extend over the full meter reading cycle of three months or if, in the opinion of the Council , the record of metered consumption is not a suitable basis for the assessment of the fees by reason of a change in the occupation, use or ownership of premises, or special contingency, the fees for the coming quarter shall, subject to adjustment when the consumption of water for the three monthly period becomes available, be based on the Council estimate of the quantity of water to be consumed and discharged into the sewer on such premises during such coming three monthly period;
- (b) in the case of premises where the water consumed is not used solely for domestic purposes and in the absence of any direct measurement, the quantity of water discharged during a quarter shall be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity deductions shall be made for the quantity lost during the process of trade or manufacture or present in the final product;
- (c) If the quantity of water obtained from a source other than the Council's water supply on the premises during that cycle is unknown, the fees shall be based on the Council estimate of the total water consumption on such premises during the aforesaid meter reading cycle.
- (d) Water consumption recorded by a meter installed in terms of -
- (i) section 86(8) shall be paid for on the basis of the fees determined by the Council for unspecified premises, or the fees determined by the Council for industrial effluent, if applicable, but not on the basis of both such fees;
- (ii) section 86(8)(b) shall not be subject to any fee;
- (iii) section 83(1)(c) shall not be subject to any fee for domestic effluent but subject to a fees for industrial effluent in terms of Part II, hereof.
- (2) If on any premises the Council, after consideration of its size, the number of water supply points and the complexity of the water reticulation, considers it impractical to determine the quantity of water discharged into the sewer from records of metered water consumption, it may in its discretion:
- (a) direct that water reticulation system be altered at the cost of the owner, to facilitate separate metering of water discharged into the sewer after use, and other water consumed, but not so discharged; or (b) assess the quantity of water discharged into the sewer in any six monthly meter reading period in accordance with the quantity of water used on the premises of a similar nature as determined by the Council.

PART II

GENERAL RULES REGARDING FEES FOR INDUSTRIAL EFFLUENT

The following rules are applicable for the purposes of sections 80, 81 and 83 in connection with the fees determined by the Council which are payable for the acceptance, conveyance and treatment of industrial effluent discharged from any premises;

1. The owner or occupier of premises on which any trade or industry is carried on and from which, as a result of such trade or industry or of any process incidental thereto, any effluent is discharged to the municipal sewer, shall, in addition to any other fees determined by the Council for which he or she may become liable, pay to the Council an industrial effluent fee including any minimum fee, which fees must be determined by the Council and must be calculated -
 - (a) on the quantity of water discharged during the half-year forming the period of the fee; and
 - (b) in accordance with the arithmetic mean of the results of the analyses, specified in item 3, of not less than eight grab samples of effluent taken at any time during a three month assessment period: Provided that the Council may in its discretion use another method of assessment if in its opinion it will lead to a fairer result.
2. Whenever a sample is taken by the Council in terms of rule 1, one half thereof shall, on the request of the owner, occupier or person in control of the premises, be made available to him or her and like provisions shall apply to any samples taken by the owner, occupier or person in control in favour of the Council.
3. The analyses referred to in rule 1 must be in accordance with the methods of chemical analysis normally used by the Council for the purpose and may include -

Chemical Oxygen Demand (COD)
Total Kjeldahl Nitrogen
Nitrate as N
Ammonia as N
Total phosphorus
Orthophosphate as P
PH

Substances Listed In Schedule C (Rule 5.9) and D:

4. In the absence of any direct measurement, the quantity of industrial effluent discharged during a half-year must be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity a deduction must be made of the quantity used on the premises for domestic purposes, and the quantity lost to the atmosphere during the process of trade or manufacture, or present in the final product.
5. Unless the Council, in any particular case, agrees otherwise in writing with an owner or occupier, the fees determined by the Council for industrial effluent will be levied in respect of half-years beginning 1 July and 1 January; Provided that -
 - (i) if the last monthly reading relating to a half yearly charging period is taken before the end of that period, the remaining part of the period will be deemed to belong for charging purposes to the next succeeding half-yearly charging period;
 - (ii) if the last monthly meter reading relating to the half-yearly charging period is taken after the end of that period, that part of the succeeding period which has

- elapsed when the reading is taken will be deemed to form part of the charging period to which the reading relates; and
- (iii) If the discharge of effluent to the sewer begins during a half-year as aforesaid the charge made in respect of that half-year must be calculated as from the relevant date.
6. If a meter measuring the quantity of water consumed on premises is proved defective, an appropriate adjustment must be made to the quantity of industrial effluent discharged when calculated as provided by rule 4.
7. (1) industrial effluent is discharged into the sewer from more points than one, whether on the same floor or on different floors of premises, the Council may in its discretion for all the purposes of assessing a fee for industrial effluent, including the taking of test samples, treat each such point of discharge as a separate point for the discharge of industrial effluent into the sewer.
- (2) For the purpose of calculating, as prescribed in rule 4, the quantity of effluent discharged from each point of discharge as aforesaid, the total water consumed on the premises must be allocated as accurately as is reasonably practicable, after consultation between the Council and the occupier, among the several points of discharge
8. If a grab sample taken at any time after the three month assessment period should reveal that the total pollutant load is altered in such a way as to place a heavier load on the Council's sewage treatment plants, and the owner, occupier or person in control has failed to advise the Council in writing of the change, the owner or occupier will immediately become liable for twice the difference between the assessed fees and the fees that would have been levied had the total pollutant load been correctly assessed.
9. If an inspection should reveal that the owner or occupier or person in control has failed to discharge industrial effluent during periods specified by the Council in accordance with section 86(6), the owner or occupier will immediately become liable for the full amount of the industrial effluent fees.
10. (1) (a) The Council may, during any half yearly period referred to in rule 5, under a provisional account in respect of a part of such period, which part must as nearly as practically possible be a period of 30 days, and the amount of such account must be determined as provided in sub-rule (b) and the Council must as soon as possible after the end of such period render an account based on the actual measurements and results obtained in terms of rule 1(a) and (b) for such period, giving credit for any sum paid on a provisional account as aforesaid.
- (c) The amount of a provisional account referred to in sub-rule (a) must be determined by the Council by reference to such previous discharge on the same premises as would in its opinion, constitute a reasonable guide to the quantity of effluent discharged over the period covered by the provisional account by reference to such discharge on other similar premises which, in its opinion, affords reasonable guidance.
- (2) A provisional account rendered in terms of sub-rule (1) (a) is payable on the date stipulated therein.
- (3) An owner's decision to dispute an account shall not entitle him or she to defer payment beyond the due date stipulated in the account.

**PART 3
GENERAL RULES REGARDING FEES FOR AN
ON-SITE SANITATION SERVICE**

The following rules are applicable or the purposes of section 70 in connection with the fees determined by the Council which are payable for the provision of a sanitation service:

1. A commencement fee as determined by the Council will be payable in respect of the provision of sanitation services before the commencement of such services.
2. Night soil removal services may be provided on a tri-weekly, nightly or other basis at the discretion of the Council.
3. The fees for night soil removal must be based on the number of pails and, for a vacuum tank removal, on the quantity removed.
4. A tri-weekly night soil removal service may be provided to a bona fide builder during building operations.
5. A mobile convenience may be provided at the discretion of the Council.
6. A vacuum tank removal service may be provided at the discretion of the Council.
7. Any sanitation service provided by the Council may be subject to an escalating tariff of fees within six months of the introduction of a suitable waterborne system.

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SCHEDULE B

**FORM OF APPLICATION FOR PERMISSION TO INSTALL APPLIANCES FOR LIFTING
SEWAGE**

NOTE: On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the Council will consider applications for lifting sewage in compliance with the requirements of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, and any other applicable law only in respect of those parts of premises which cannot be drained by gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor. In all cases where lifting of sewage is permitted, the Council will stipulate the rate of discharge, which will be normally limited to a maximum of 240 liters per minute.

INFORMATION TO BE FURNISHED BY OWNER

The owner of the premises must furnish the following information and the relevant literature and characteristic curves, and sign the application and undertaking:

- (a) Make of appliance, name of supplier and purpose for which the appliance is designed;
- (b) kW rating and speed of motor;
- (c) Maximum rate of discharge in liters per minute
- (d) Size of rising main and velocity of discharge;

- (e) Capacity and dimensions of storage tank depth to be given as liquid depth below inlet drain;
- (f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information.

Any matters relating to the electric power connection and switchboard will be referred to the electricity supplier and will be subject to the approval of that supplier.
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SCHEDULE C
FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT
INTO THE COUNCIL'S SEWER

1. GENERAL

- 1.1 I (Name) the undersigned, duly authorized to and on behalf of(hereinafter referred to as the applicant), hereby apply in terms of the provisions of the Water Services By-laws of the Council for permission to discharge industrial effluent into the municipal sewer on the basis of the information set out herein.
- 1.2 Company's present street address, etc.
Street Address...
Postal Address
Contact Person
Designation.
Township Stand No(s)
Landlord Tel.....
- 1.3 Name or style under which the business or industry is carried on.
- 1.4 If the business or industry is carried on by a company, state the name of the secretary and if it is a partnership state the names of the partners and their position held in the company and tel. No.
- 1.5 Nature of the business or industry concerned.....
- 1.6 Description of industrial or trade process by which effluent is / will be produced.
.....

2. INFORMATION RELATING TO EMPLOYEES

Office/Factory

- 2.1 Total number of daily employees (not to include 2.3)
- 2.2 Number of days worked per week
- 2.3 Number of persons resident on the premises
- 2.4 Is a canteen provided? YES/NO
If YES, number of meals served per month

3. INFORMATION RELATING TO WATER CONSUMPTION

- 3.1 Kiloliters / Month
- 3.2 Approximate quantity of water purchased from the Councilkl/m In case of an established business or industry attach copies of all latest assessment and water accounts.)
- 3.3 Approximate quantity of water extracted from borehole(s) and/or other sources.
.....
(In terms of the Water Services By-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.)
Source kl/m Meter No.

- 1 2. 3. 4. 5.
 3.4 Approximate quantity of water entering with raw materials.
 Raw Material kl/m Meter No. 1. 2. 3. 4. 5.

NOTE: QUANTITIES MUST BE SUB-METERED WHERE POSSIBLE, OR CERTIFIED FROM PRODUCTION FIGURES

4. WATER LOST FROM MISCELLANEOUS CAUSES (kl/m)

- 4.1 Quantity of water in end product
- 4.2 Quantity of water used as cooling make-up
- 4.3 Quantity of water used as boiler make-up
- 4.4 Does boiler blowdown enter the sewer? Quantity
- 4.5 Specify other non-effluent uses, not domestic
- B. In order to qualify for non-effluent deductions sub-meters must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

5. EFFLUENT QUALITY

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

- 5.1 Maximum temperature of effluent ° C
- 5.2 pH value
- 5.3 Electrical conductivity mS/m
- 5.4 Nature and amount of substances not in solution
- 5.5 Chemical oxygen demand valuemg/l
- 5.6 Maximum total daily dischargekl...
- 5.7 Maximum rate of dischargel/s
- 5.8 Periods of maximum discharge (e.g. 07:00 - 08:00 = 36 kl/h).....
- 5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be placed in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be stated in mg/l.
- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------|------------|----------------|----------------|---------------|--------------|----------------|---------------|------------------|--------------|-----------------|------------|---------------------|--------------|---------------------|------------|--------------|----------------|---------------|---------------|------------------|------------------|----------------|---------------|-----------------------|------------|----------------------|------------------|-------------------|
| Substance | Iron as Fe | Cyanide as HCN | Chromium as Cr | Fluoride as F | Nickel as Ni | Sulphides as S | Cadmium as Cd | Sulphates as SO4 | Copper as Cu | Phosphorus as P | Zinc as Zn | Orthophosphate as P | Cobalt as Co | Total Nitrogen as N | Lead as Pb | Ammonia as N | Selenium as Se | Nitrates as N | Mercury as Hg | Starch or sugars | Molybdenum as Mo | Tar or tar oil | Arsenic as As | Fats, oils and grease | Boron as B | Synthetic detergents | other substances | Volatile solvents |
|-----------|------------|----------------|----------------|---------------|--------------|----------------|---------------|------------------|--------------|-----------------|------------|---------------------|--------------|---------------------|------------|--------------|----------------|---------------|---------------|------------------|------------------|----------------|---------------|-----------------------|------------|----------------------|------------------|-------------------|
- 5.10 Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

Conditions of Acceptance of Industrial Effluent

This application will only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the Council may think fit to impose in any particular case:

1. The applicant must annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralizing tanks and any other provisions

made by him for the treatment of the industrial effluent before it is discharged to the sewer.

2. The applicant must submit to the Council, if requested, plans showing the reticulation systems on his or her premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Water Services By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection of its employees, sewers and treatment plant from injury or damage, and comply with any direction concerned with such protection given to him by the authorized officer verbally or in writing for the purpose of ensuring the applicant's compliance with the said By-laws.
4. The applicant must provide a separate drainage installation for conveying industrial effluent and for discharging same into the sewer via a separate connection as directed by the Council.
5. The applicant agrees to provide a suitable sample point for his industrial effluent and manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the strength and composition of the industrial effluent.
6. The applicant must notify the Council, as soon as possible after he becomes aware of, or at least 14 days before anything is done to cause any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application, or in any of the facts stated by him therein.
7. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application, is to the best of his knowledge and belief in all respects correct.
8. The applicant agrees that, the said information being warranted in all respects correct, forms the basis on which this application is granted by the Council.

Thus done at this day of 200....

.....
Signature & Capacity of Applicant

Permission is hereby granted by me on behalf of the Council, I being duly thereunto authorized, for the discharge into the Council 's sewer in accordance with the Water Services By-laws of industrial effluent as described in this form and in the circumstances therein set forth : Provided that this permission is revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant or in the event of any contravention of the said By-laws or the conditions on which this permission is granted. The said permission is given subject also to the following special conditions:

SIGNED:

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SCHEDULE D

LIMITS AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of section 62(1) (i) of the Water Services By-laws the following limits will apply:

- (a) The maximum concentration limits of substances contained in any sewage, industrial effluent or other liquid discharged to the sewer;
 - (i) Electrical conductivity not greater than: 500mS/m at 20 degrees Celsius.
 - (ii) Substances not in solution including fat, oil, grease, waxes and like substances -
 - (a) Of mineral origin < 50 mg/l
 - (b) Of vegetable origin < 200 mg/l

Chlorides (expressed as Cl): 1 000 mg/l
Anionic surface active agents: 250 mg/l
Sulphates (expressed as SO₄): 250 mg/l.
Iron (as Fe) : 200 mg/l
Manganese (as Mn) 50 mg/l
Nitrates (as N): 50 mg/l
Chrome (expressed as Cr): 20 mg/l
Cobalt (expressed as Co): 20 mg/l
Copper (expressed as Cu): 20 mg/l
Titanium (as Ti): 20 mg/l
Cyanides (as CN): 20 mg/l
Zinc (expressed as Zn): 20 mg/l
Lead (expressed as Pb): 10 mg/l
Phenols (expressed as phenol): 10 mg/l
Nickel (expressed as Ni): 10 mg/l
Sulphides (as S): 10 mg/l
Boron (expressed as B): 5 mg/l
Fluoride (expressed as F) 5 mg/l
Molybdenum (expressed as Mo): 5 mg/l
Arsenic (expressed as As): 2, 5 mg/l
Cadmium (expressed as Cd): 2, 5 mg/l
Selenium (expressed as Se): 2, 5 mg/l
Mercury (expressed as Hg): 1, 0 mg/l

Radio-Active Wastes

Any radio-active wastes or isotopes; such concentration as may be laid down by the Atomic Energy Board or any State Department.

Notwithstanding the requirements set out in this Schedule, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.

NOTE: THE METHODS USED FOR ASCERTAINING THE VALUE OF THE VARIOUS PARAMETERS LISTED IN THIS SCHEDULE WILL BE THE TEST METHODS NORMALLY USED BY THE COUNCIL FOR THE PURPOSE, DETAILS OF WHICH SHALL BE SUPPLIED ON REQUEST TO ANY PERSON WHO DISCHARGES INDUSTRIAL EFFLUENT.

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SCHEDULE E

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice 1659 dated 17 June 1992	Johannesburg Municipality: Water Pollution Control By-laws	Whole
Administrator's Notice 195 dated 10 March 1965	Johannesburg Municipality: Sanitation (General) By-laws	Whole
Administrator's Notice 1227 dated 27 July 1977	Johannesburg Municipality: Standard Water Supply By-law	Whole
Administrator's Notice 1268 dated 31 August 1977	Randburg Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 231 dated 22 February 1978	Sandton Municipality: Standard Water Supply By-laws	Whole
	Roodepoort Municipality: Standard Water Supply By-laws	Whole
	Midrand Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 509 dated 1 August 1962	Roodepoort Municipality: Drainage and Plumbing By-laws	Whole
Government Notice R.1107 dated 30 May 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	Water Supply By-laws as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice dated 4 May 1988	Midrand Municipality: Miscellaneous By-laws Relating to the Regulating of Building and Drainage Works and Related Matter	Whole

UTHUKELA DISTRICT MUNICIPALITY: CREDIT CONTROL AND DEBT COLLECTION BY-LAW, 2014

Adopted by Council on the:

Promulgated on:

2 CREDIT CONTROL AND DEBT COLLECTION BY-LAW, 2014

To provide for the debt control and the collection of all money due and payable to the Municipality; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

P R E A M B L E

WHEREAS the Municipality is entitled in terms of section 229 of the Constitution of the Republic Of South Africa, 1996, to impose rates on property and surcharges on fees for services provided by or on its behalf within its area of jurisdiction;

WHEREAS the Municipality is entitled in terms of section 75A of the Local Government: Municipal Systems Act, No. 32 of 2000 to levy and recover fees, charges or tariffs in respect of any function or service of the Municipality and to recover collection charges and interest on any outstanding amount;

WHEREAS the Municipality is obliged in terms of section 96 of the Systems Act to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

AND WHEREAS the Municipality is obliged in terms of section 98 of the Systems Act to adopt By-laws to give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement;

NOW THEREFORE the municipal council of the uThukela District Municipality, acting in terms of section 156 read with Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution, and read with section 98 and 11 of the Systems Act, hereby makes the following

By-law:

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SCHEDULE

BY-LAW REPEALED

CHAPTER 1

INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise—

"account" means written notification in the form of a statement of account in respect of municipal services, rates, sundry and other charges, addressed to a person liable for payment thereof;

"agent" means a person authorised by the customer to act on his or her behalf;

"authorised official" means a person authorised to implement the provisions of this Bylaw, including but not limited to—

(a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) municipal or District Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 68 of 1995); and

(c) such employees, agents, delegated nominees, representatives and service providers of the Municipality: Provided that for the purposes of search and seizure,

where such person is not a peace officer, such person must be accompanied by a peace officer;

“bulk customer” means a customer who consumes large amounts of electricity for commercial or industrial purposes;

“CFO” means a person employed by the Municipality in terms of section 57 of the Systems Act as the Chief Financial Officer of the Municipality, and includes any person to whom the Chief Financial Officer has delegated or sub-delegated a power, function or duty in accordance with the system of delegation developed by the municipal manager in terms of section 79 of the Municipal Finance Management Act and section 59 of the Systems Act;

"collection charges" means the charges which the Municipality is entitled to recover in terms of section 75A(1) of the Systems Act, and includes the administrative cost—

- (a) of reminding any ratepayer or customer of arrears;
- (b) for the termination, restriction or reinstatement of any municipal service to a defaulting ratepayer or customer;
- (c) of any notice rendered, sent, delivered or published to a ratepayer or customer in terms of this By-law or any other law;
- (d) of any merchant fee; and
- (e) in respect of any other charge which the Municipality is by law entitled to recover;

“Constitution” means the Constitution of the Republic of South Africa, 1996, as amended;

“consolidated account” means a monthly account reflecting municipal service fees, charges, surcharges on fees, property rates, sundry charges and other municipal taxes, levies and duties and all consolidations in terms of section 102 of the Act;

"customer" means any person with whom the Municipality or its authorized agent has entered into an agreement for the provision of any municipal service to the premises of which such person is an owner, including any person who is authorized by the owner to enter into such an agreement with the Municipality in respect of the owner's premises;

"due date" means the date on which a customer's account becomes payable, which in the case of monthly accounts is twenty-one days from the date of the account, and in the case of annual accounts is the 31st of October each year;

"fee" means a prescribed amount charged by the Municipality to a customer for the provision of any municipal service;

"Ingonyama Trust land" means land held in trust by the Ingonyama Trust established in terms of section 2 of the Ingonyama Trust Act, No. 3KZ of 1994;

"municipal council" or "council" means the uThukela municipal council, a municipal council referred to in section 157(1) of the Constitution;

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"Municipality" means the uThukela municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution and established in terms of PN343 of 2000 (KZN);

"municipal manager" means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

"municipal service" means a service provided by the Municipality in terms of its powers and functions to or for the benefit of the local community, irrespective of whether or not –
(a) such service is provided by the Municipality itself or by engaging an external mechanism contemplated in section 76 of the Systems Act; or
(b) any fees, charges or tariffs are levied in respect thereof;

"occupier" means any person who occupies any premises or part thereof, without regard to the title under which such person occupies the premises concerned;

"owner" –

(a) in relation to a property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of "property", means a person in whose name the right is registered;

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", means a person in whose name the right is registered or to whom it was granted in terms of legislation, excluding permission to occupy;

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled"; and

(e) includes a person whom the Municipality may for the purpose of this By-law regard as the owner of a property in the following cases:

- (i) a trustee, in the case of property in a trust excluding state trust land;
 - (ii) an executor or administrator, in the case of a property in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or the owner of which is in liquidation;
 - (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) a curator, in the case of a person in the estate of a person under curatorship;
 - (vi) a person in whose favour a usufruct or other personal servitude is registered, in the case of property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of the Municipality and is let by it to such lessee;
 - (viii) a buyer, in the case of a property that was sold by the Municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer; or
 - (ix) a child or children in charge of the property in the case of child headed households;
- "person" means a natural or juristic person, including an organ of state;

"Policy" means the Credit Control and Debt Collection Policy adopted by the council, as amended from time to time;

"premises" means any piece of land, with or without any building or structure thereon where–

(a), the external surface boundaries of which are delineated on–

(i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or

(ii) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

(b) there is an official document in respect of rural land or Ingonyama Trust land, which is situated within the area of jurisdiction of the Municipality; or

(c) a municipal service is rendered on land which is not specified on a plan;

"property" means–

(a) immovable property registered in the name of a person, including, in the case of sectional title scheme, a sectional title unit registered in the name of a person;

(b) a right registered against immovable property in the name of a person;

(c) a land tenure right registered in the name of a person or granted to a person in terms of legislation, excluding a permission to occupy; or

(d) public service infrastructure;

"publicly controlled" means owned by or otherwise under the control of an organ of state, including a–

(a) public entity listed in the Public Finance Management Act, 1999 (Act 1 of 1999);

(b) municipality; or

(c) municipal entity as defined in the Systems Act;

"rates" means a municipal rate on property envisaged in section 229 (1)(a) of the Constitution levied by the Municipality in terms of the Rates Act;

"Rates Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

“sundry charge” means an amount charged to a customer which is not directly linked to a property and which includes but is not limited to–

- (a) charges arising from damages to municipal property and equipment;
- (b) monies awarded to the Municipality through court orders and judgments; and
- (c) fines;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

“tenderer” means a contractor, service provider or supplier who has submitted a tender for the provision of services or the delivery of goods to the Municipality.

Interpretation of By-law

2. (1) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

(2) This By-law must be read in conjunction with the Policy.

Objects of By-law

3. The objects of this By-law are to–

- (a) give effect to the Municipality's Credit Control and Debt Collection Policy, and its implementation and enforcement in terms of section 156(2) of the Constitution read with sections 96 and 98 of the Systems Act;
- (b) provide for the collection of monies due and payable to the Municipality; and
- (c) provide for matters incidental thereto.

Application of By-law

4. This By-law applies throughout the Municipality's area of jurisdiction in respect of any amounts payable to–

- (a) the Municipality for rates or the provision of any municipal service;
- (b) any service provider of the Municipality in respect of any municipal service provided by the service provider concerned on behalf of the Municipality; or
- (c) any other amount payable to the Municipality.

CHAPTER 2

REQUIREMENTS FOR THE PROVISION OF MUNICIPAL SERVICES

Registration for the provision of municipal services

5. (1) An applicant for a municipal service must comply with the registration process prescribed by the Municipality in the Policy for the provision of such service, which includes but is not limited to–
- (a) the submission of a written application for the provision of such service on a form prescribed by the Municipality for that purpose;
 - (b) furnishing any information or documentation required by the CFO for the purpose of registering for such service;
 - (c) entering into a service agreement with the Municipality; and
 - (d) the payment of a deposit of an amount prescribed by the CFO to be held by the Municipality as consolidated security in respect of all municipal services provided by the Municipality to the applicant.
- (2) If an applicant is an existing customer of the Municipality in respect of any other municipal service on premises in respect of which any amount is in arrears, such applicant must –
- (a) pay the arrears in full; or
 - (b) at the discretion of the Municipality, make suitable arrangements with the Municipality for the payment of such arrears,
- before an application for a new service in terms of this By-law may be considered.

Deposits

6. (1) The payment of a deposit mentioned in paragraph 5(1)(d) is subject to the criteria determined by the CFO in accordance with the Policy and is due and payable at–
 - (a) the time of application for municipal services; and
 - (b) any other time deemed necessary by the Municipality.
- (2) Payment of a deposit must be made in cash unless otherwise provided for in terms of the Policy.
- (3) Deposits paid by a customer to the Municipality shall be held as a consolidated deposit and used as security for any or all of the charges or amounts included in the account.
- (4) The Municipality may at any time and at its sole discretion require a customer to increase the security furnished in terms of paragraph 5(1)(d).
- (5) Interest on cash deposits held by the Municipality as security shall accrue as prescribed in terms of the Policy at a rate determined by Council in terms of section 75A of the Systems Act, and the deposit plus interest accrued must be taken into account upon closure or termination of a customer's account.

Service agreement between the Municipality and a customer

7. (1) The Municipality may not approve an application for the provision of any municipal service, unless the applicant has signed an agreement on a form prescribed by the Municipality for that purpose accepting the terms and conditions for the provision of such service, all of which are deemed to be incorporated into this By-law.
- (2) Where the purpose for or extent to which any municipal service used has changed, the onus and obligation rests on the customer to advise the Municipality of such change.

Measurement of consumption

8. (1) The Municipality must conduct or cause to be conducted an accurate measurement of the municipal services consumed by a customer at intervals determined in terms of the water and

electricity policies: Provided that nothing in this section prevents the Municipality from making an estimate of the consumption of municipal services for any relevant period if–

- (a) the reading of the meter could not be obtained in respect of the period in question;
- (b) no meter has been installed to measure the consumption on the premises concerned; or
- (c) for any other reason the meter could not be accessed to be read.

(2) Irrespective of the fee payable for the consumption of municipal services being based on measured or estimated consumption, the customer concerned remains liable for the payment of the prescribed fee in respect thereof.

Review of existing service agreements

9. (1) The Municipality may review the terms and conditions of any existing service agreement with a customer to take into account any change in law or the circumstances surrounding the provision of any municipal service by the Municipality, and require such customer to enter into a new service agreement with the Municipality based on the resultant changes in law or circumstances.
- (2) Subsections 6(4) and 6(5) apply to any deposit or security payable by a customer in respect of a new service agreement referred to in subsection (1).

Termination Of Service Agreements

10. (1) Subject to sections 17 and 26, an agreement for the provision of any municipal service may be terminated by–
- (a) a customer by giving notice in writing of not less than 14 days to the Municipality of such customer's intention to do so; or
 - (b) the Municipality, after due compliance with any applicable law and the rules of natural justice, by giving notice in writing of not less than 14 days to a customer, if the customer concerned has –
 - (i) not used the municipal service during the preceding six months and has not made any request to the Municipality for the retention of the agreement;

(ii) in relation to the municipal service concerned, breached or failed to comply with any specific term or condition for the provision of such service, and has failed to remedy such breach or rectify such failure after service on such customer of a notice to do so in terms of section 11;

(iii) failed to pay any prescribed fee, collection charge or interest due and payable in respect of the municipal service concerned;

(iv) made an arrangement with another service provider to provide the municipal service concerned to the customer; or

(v) vacated the premises to which the agreement concerned relates.

(2) If a customer to whom a notice has been given in terms of paragraph (1)(b) makes written representation to the CFO within the period stipulated in that notice as to why the agreement concerned should not be terminated, the agreement must not be terminated until the CFO has responded in writing to the written representation made by the customer concerned.

Notice of compliance

11 If a customer breaches or fails or refuses to comply with any provision of this By-law, a written notice must be served on such customer to comply with the relevant provision of this Bylaw within a stipulated period in order to avoid the service agreement to which the noncompliance relates being terminated in terms of paragraph 10(1)(b).

CHAPTER 3

ACCOUNT ADMINISTRATION

Accounts

12. (1) The Municipality must maintain proper and accurate accounts which must be rendered and administered by it in accordance with the Policy, this By-law, as well as any other applicable law.

- (2) Failure by the Municipality to render an account does not relieve a customer of an obligation to pay any amount that is due and payable by such customer in terms of this By-law.
- (3) The Municipality may, in accordance with the section 102 of the Systems Act—
 - (a) Consolidate any separate accounts of a customer liable for payments in terms of this By-law to the Municipality;
 - (b) credit any payment by such customer against any account of that customer; and
 - (c) implement any of the debt collection and credit control measures provided for in this By-law or the Policy in relation to any arrears on any of the accounts of the customer.
- (4) In the event of separate accounts being consolidated as contemplated in subsection (3), the total amount due and payable by a customer shall constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due will, subject to section 23, be allocated in the reduction of the consolidated debt in the order prescribed by the CFO in his or her sole discretion.
- (5) Any amount paid by a customer in excess of an existing debt may be—
 - (a) held in credit for the customer in anticipation of future rates and fees for municipal services or for the purposes contemplated in section 20(1)(b), without any interest accruing on such amount;
 - (b) refunded either as a whole or a portion thereof to the customer concerned, subject to the right of the Municipality to withhold payment until it is satisfied that payment of such refund is not in contravention of any law; or
 - (c) refunded to the conveyancing attorney if the property has been transferred.
- (6) Any interest accruing on the deposit paid by a customer in terms of this By-law must be credited to the account of such customer.
- (7) Should the Municipality become aware that the customer has since vacated the premises supplied as his or her address in terms of this By-law, the Municipality must, after deducting any outstanding amounts due to it from the deposit of such customer, place the balance thereof in an account retained for such customer for a period of time determined in the Policy from the date on which the customer's disappearance became known to the Municipality.

- (8) After the expiry of the period mentioned in subsection (7), the balance of the deposit, together with interest thereon, will be forfeited to the Municipality, unless the CFO is not satisfied that this is just and equitable to do so.

Account Information

- 13 (1) Without limiting the amount of information which may be included by the Municipality in a customer's account, any account rendered by the Municipality to a customer must contain at least the following information–
- (a) the consumption or estimated consumption as determined for the relevant consumption period;
 - (b) the period to which the consumption or estimated consumption relates;
 - (c) the amount due based on the consumption or estimated consumption;
 - (d) the amount due and payable for any other municipal service;
 - (e) the amount due and payable for any sundry charge;
 - (f) the amount in arrears, if any;
 - (g) the interest payable on any arrears, if any;
 - (h) collection charges insofar as they may be relevant;
 - (i) the final date for payment; and
 - (j) the methods, places and approved agents where payments may be made.

Account Administration And Monitoring

14. The Municipality must, subject to section 7, implement reasonable measures to ensure –
- (a) Accurate metering of consumption at fixed intervals;
 - (b) Limited delay between service connection and the first and subsequent rendering of accounts;
 - (c) Accurate and up-to-date information contained in accounts rendered to customers;
 - (d) Accurate monthly accounts with the application of the appropriate and correct prescribed fees, rates and other related amounts due and payable;
 - (e) Timely dispatch of accounts to correct addresses furnished by customers;
 - (f) Adequate provision and the efficient operation of facilities for payment throughout the Municipality's area of jurisdiction;

- (g) where necessary, the appointment of agents to accept payments on behalf of the Municipality; and
- (h) appropriate and reasonable hours of business in order to facilitate account payments.

Responsibility For Payment Of Account

- 15. (1) It is the responsibility of the customer to ensure that his or her account is paid timeously and that such account does not fall into arrears.
- (2) Where a customer is a tenant of the property concerned, the owner of the property shall be held jointly and severally liable with the tenant for debts on the property.
- (3) Subsection (2) does not apply to the payment of rates, which payment shall be the sole responsibility of the owner or owners of such property.

Disputes And Enquiries In Respect Of Accounts Rendered By The Municipality

- 16. (1) A customer may lodge a written dispute with the Municipality to challenge the correctness or accuracy of any amount due and payable by such customer reflected in an account rendered by the Municipality in terms of this By-law: Provided that such dispute must be lodged with the Municipality before or on the due date for payment specified in the account concerned.
- (2) A customer must, pending resolution of the dispute, continue to make regular monthly payments in respect of rates, if applicable, or in respect of any municipal service, as the case may be, based on the average monthly fees for the preceding three months prior to the dispute arising, plus interest if applicable, until the dispute is resolved.
- (3) Where a customer fails to lodge a dispute within the period mentioned in subsection (1), any correspondence received from the customer after such period concerning the correctness or accuracy of an account, will be treated as an enquiry and –
 - (a) the account will not be suspended; and

(b) such enquiry must be accompanied by the payment of at least an amount equal to the average amount per month that was due and payable in respect of the service concerned during the preceding three months.

(c)

- (4) If an objection or appeal is lodged against the value of property in terms of sections 50 and 54 of the Rates Act, on publication of a new or supplementary valuation roll in terms of section 49 of the Rates Act, a customer must still make payment to the Municipality based on the rates payable in respect of the property concerned on the previous valuation roll prior to the lodgment of the objection or appeal.
- (5) Any amount not in dispute must be paid in full by the customer and municipal services may be disconnected or restricted where such amounts remain unpaid.
- (6) An authorized official must register the dispute or enquiry and take reasonable steps to ensure that the dispute or enquiry is addressed within a reasonable period.
- (7) The CFO must –
- (a) investigate or cause the dispute or enquiry to be investigated within 30 days, or as soon as possible after the such dispute or enquiry received; and
 - (b) inform the customer, in writing, of his or her finding as soon as possible after conclusion of the investigation, instructing that either such customer's account will be credited with an amount found to have been overpaid or, alternatively, that any amount found to be due and payable must, subject to section 23, be paid within a reasonable period from the date on which the customer is notified thereof, unless an appeal is lodged within that period in terms of subsection (7).
- (8) Except for instances where the right of appeal is specifically afforded to a customer in terms of any other law, a customer may, subject to section 34, lodge an appeal in writing with the municipal manager in terms of section 62 of the Systems Act against a decision referred to in subsection (6), within 21 days of the date of notification of the decision.
- (9) The Municipality must inform the customer concerned in writing of the decision on the appeal, instructing that any amount found to be overpaid will be credited to such customer's

account or, alternatively, that any amount found to be due and payable must be paid within seven days from the date on which the customer is notified thereof.

- (10) The Municipality will only supply records of documents to the customer for the last 5 years.

Failure To Pay Accounts On Due Date

- 17 (1) The Municipality must take the necessary steps to recover payment of any accounts which remain unpaid after the due date for the payment thereof.
- (2) Where--
- (a) a tenant or an occupier occupies a property in respect of which arrears are owing; or
 - (b) an agent acts for an owner in respect of whose property arrears are owing,
- the Municipality may recover from such tenant, occupier or agent such monies as are owing by the tenant, occupier or agent to the owner, as payment of the arrears owed by such owner.
- (3) The Municipality may recover the amount in whole or in part despite any contractual obligation to the contrary on the tenant, occupier or agent.
- (4) The amount the Municipality may recover from the tenant, occupier or agent is limited to the amount of the rent or other money due and payable, but not yet paid by the tenant, occupier or agent to the owner.
- (5) Should the tenant, occupier or agent refuse to pay over any monies to the Municipality in terms of this section, the services of the tenant, occupier or agent may be disconnected.
- (6) Before resorting to litigation for the recovery of arrears, the Municipality may send a final demand notice, which may appear on the account addressed to the defaulting customer, calling upon such customer to make payment within a stipulated period, failing which legal steps may be taken for the recovery thereof.
- (7) Failure by the Municipality to send a final demand notice does not relieve a customer from paying the arrears.

Rates And Municipal Service Charges Upon The Property

18. The rates, taxes, levies and duties on property and municipal service charges are a charge upon the property, and the Municipality may take any of the following actions to secure payment thereof:

- (a) terminate or restrict the provision of any municipal service in terms of section 19;
- (b) allocate the whole or a portion of any payment of an account, or the whole or a portion of a pre-payment for future accounts as contemplated in paragraph 12(5)(a), as payment for arrear municipal service fees or rates;
- (c) subject to section 118 (1) of the Systems Act, withhold the issuing of a prescribed rates or revenue clearance certificate until all amounts due in connection with the property concerned for municipal service fees, surcharges on fees, rates and other municipal taxes, levies and duties for the period contemplated in paragraph 118(1)(b) of the Systems Act have been fully paid;
- (d) unilaterally disconnect the supply of electricity supplied by way of an electricity dispenser to any premises where such premises are charged with an overdue amount in terms of an applicable consolidated bill, or refuse to supply any person with any card or token for the operation of an electricity dispenser serving any premises charged with an overdue amount in terms of any consolidated bill;
- (e) refuse to register new customers for services on the property until the previous debt is paid; or
- (f) in respect of the consolidated debt, recover arrears from tenants or occupiers of the property in respect of which the consolidated debt is owing, or from the agents as contemplated in sections 28 and 29 of the Rates Act.

Termination Or Restriction Of A Municipal Service

- 19 (1) The Municipality must undertake regular maintenance of the relevant municipal infrastructure to ensure continuous and undisturbed supply of municipal services to its customers.
- (2) The provisions of subsection (1) must not be interpreted as preventing the Municipality from terminating or restricting the provision of any service in terms of the prescribed termination and

restriction procedures set out in the Policy to any premises if the customers, heirs or trustees in respect of the municipal service concerned –

- (a) fails to make full payment of arrears on or before the final date for the payment thereof, and the customer fails to sign an acknowledgement of debt in terms of section 26 in respect of the arrears concerned before termination or restriction;
- (b) fails to pay any instalment payable in terms of an agreement referred to in paragraph (a) before or on the due date;
- (c) fails to comply with any condition of provision imposed by the Municipality in respect of the service concerned;
- (d) obstructs the efficient provision of the service concerned to another customer;
- (e) provides the service concerned to a person who is not entitled thereto or permits such provision to continue;
- (f) causes a situation relating to any service which, in the opinion of the Chief Financial Officer, is dangerous or constitutes a contravention of any applicable law, including the common law;
- (g) tampers with an electricity or water meter or in any way reinstates without the Municipality's knowledge or consent the provision of a previously terminated or restricted service;
- (h) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) or is subject to an administration order granted in terms of section 74 of the Magistrate's Court Act, 1944 (Act No. 32 of 1944), and there is a failure to enter into a new service agreement within 14 days of the Municipality requiring such service agreement in terms of section 9 read with section 18 of this By-law; or
- (i) fails to notify the Municipality within 30 days from date of death of the customer.

(3) The Municipality must send a disconnection notice to a customer informing such customer–

- (a) that the provision of the service concerned will be, or has been disconnected on the date specified in such notice; and
- (b) of the steps which can be taken to have the service reinstated.

(4) The notice of disconnection may be included on the bill or any other notice issued in terms of this By-law.

- (5) If a customer intends to terminate or transfer an account for municipal services, the customer must provide the Municipality with notice of such intention within the time period provided for in the Policy.

Reinstatement Of The Supply Of A Municipal Service

20. (1) Where the supply of a municipal service to a customer has been terminated or restricted by the Municipality in terms of section 19, the supply of such service to the customer concerned may not be reinstated either fully or partially until –
- (a) the full amount of arrears, including interest and collection charges, if any, have been paid;
 - (b) an agreement for payment of arrears contemplated in paragraph (a) has been entered into in terms of section 26;
 - (c) the full amount of arrears in respect of any agreement referred to in paragraph (b), including interest and collection charges, if any, and any increased deposit, where required, have been paid; or
 - (d) any other condition considered by the CFO to be appropriate, including payment of additional security, has been complied with.
- (2) Once all the conditions stipulated in subsection (1) have been met, a reconnection order must be issued by the authorized official to the effect that every applicable condition contemplated in subsection (1) has been complied with and that the municipal service concerned may be reconnected.

Interest Charges

- 21.(1) Subject to the provisions of sections 9 and 55 of the Rates Act, read with paragraph 64
- (2) (g) of the Municipal Finance Management Act, all arrears in respect of accounts for rates and municipal services bear interest equivalent to the rate of interest as determined in terms of the Rates Regulations or any other applicable legislation.
- (2) Interest calculated on arrears may only be reversed as determined by the Municipality in terms of the Policy.

Administration Charges

22. A prescribed administration charge may be levied by the Municipality against the account of a customer in respect of any action taken by or on behalf of the Municipality in terms of this Bylaw or the Policy.

Municipality's Discretion In Appropriation Of Payments Received

23.(1) Subject to subsection 12(3), the Municipality may appropriate monies received in respect of any debt contemplated in this By-law at its sole discretion, irrespective of any instruction issued by the customer directing how such monies are to be appropriated.

(2) If any amount due and payable to the Municipality in terms of this By-law has not been paid in full, any lesser amount tendered to and accepted by any municipal employee does not constitute payment in full and final settlement of the full amount, unless the lesser amount was accepted in full and final settlement in writing under a power delegated or sub-delegated to such employee in terms of section 59 of the Systems Act.

Actions For The Recovery Of Outstanding Amounts

24. (1) The Municipality may recover charges, costs and interest on any outstanding amount, which may include but are not limited to—

- (a) costs and administration fees where payments to the Municipality by negotiable instruments are dishonored by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this by-law;
- (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.

(2) Subject to section 18, if an amount payable to the Municipality in respect of an account for rates or service charges remains outstanding, wholly or in part, after the due date for the payment thereof–

(a) the defaulting customer may be listed with a credit bureau; and

(b) may be handed over to a debt collector or an attorney for collection.

(3) In the event of an overdue account being handed over to a debt collector or an attorney for collection, the customer concerned is liable for any interest and collection charges raised in respect thereof.

(4) An action taken in terms of this By-law may not be suspended or withdrawn unless the arrears, any charge, cost, interest thereon, and additional security, if required by the Municipality, have been paid in full.

(5) Subject to Schedule 2 item 10 of the Systems Act, any amount in arrears on an account of a municipal staff member may be deducted by the Municipality from such municipal staff member's salary, as the case may be.

(6) The Municipality may enter into an agreement with any councilor whose account is in arrears to deduct any amount in arrears from the councilors allowance.

(7) Charges, costs and interest recovered in terms of subsection 1 may be levied against the arrear account of the customer.

(8) The amount or manner of calculation of the interest charged or the amount or manner of calculation of collection charges must be passed by the municipal council with a supporting vote of a majority of its members in terms of section 75A of the Systems Act.

Agreement With Employer

25.(1) Subject to section 103 of the Systems Act, the Municipality may, with the consent of the customer, enter into an agreement with the customer's employer to deduct from the salary or wages of the customer–

(a) Any outstanding amount due by that customer to the Municipality; or

(b) regular monthly amounts as may be agreed upon.

Acknowledgements Of Debt

26.(1) Any customer who is indebted to the Municipality may be required to sign a written acknowledgement of debt on a form prescribed by the Municipality for that purpose setting out the terms which are agreeable to the Municipality for the payment of such debt.

- (2) If the amount payable by a customer in terms of an acknowledgement of debt contemplated in subsection (1) is payable in instalments, any payment received from such customer in an amount less than the total amount due may be allocated in reduction of the consolidated debt of such customer in the order prescribed in the Policy, notwithstanding any instruction to the contrary by the customer concerned.
- (3) A customer may be required to arrange a debit order for the payment of arrears in respect of which an acknowledgement of debt contemplated in subsection (1) has been signed by the customer concerned.
- (4) Subject to subsection (5), no acknowledgement of debt may provide for payment over a period longer than 24 months.
- (5) (a) An acknowledgement of debt providing for payment over a period in excess of 24 months, may be accepted by the Municipality in terms of delegated authority, if special circumstances which the customer could not reasonably have prevented or avoided, prevail and which, in the opinion of the CFO, warrant a longer period of payment; and
(b) Documentary proof of any special circumstances as contemplated in paragraph (a) must be furnished by a customer on request by the Municipality.
- (6) The Municipality must, in exercising its discretion in terms of subsection (5), have regard to a customer's—
 - (a) credit record;
 - (b) consumption of services;
 - (c) ability to afford the proposed instalments, taking into account the customer's financial situation;

- (d) level of service;
 - (e) previous breaches of agreements for the payment of arrears in instalments; and
 - (f) any other relevant factors.
- (7) If a customer fails to comply with the terms of an acknowledgement of debt contemplated in subsection (1), the total outstanding amount, including the arrears, any interest thereon, any collection charges, and payment of a higher deposit if required by the Municipality, will immediately become due and payable, and the additional security, if so required, must be provided, without further notice.
- (8) If a customer fails to comply with the terms of an acknowledgement of debt contemplated in subsection (1) that was signed after receipt of a disconnection notice for water or electricity services, or both as the case may be, the municipal service concerned may be disconnected without further notice, in addition to any other action taken against or which may be taken by the Municipality against the customer concerned.
- (9) The Municipality may not accept an acknowledgement of debt by a customer if that customer has failed to honor a previous acknowledgement of debt for the payment of arrears to the Municipality, unless the CFO otherwise decides on good cause shown.
- (10) Once an acknowledgement of debt contemplated in subsection (1) is signed, the amount in arrears must be reflected as a current amount.

CHAPTER 4

ASSISTANCE TO THE POOR AND IRRECOVERABLE DEBTS

Assistance To The Poor

27. (1) The Municipality may, in terms of the qualifying criteria set out in the Policy, grant assistance to any person who is regarded by the Municipality as poor based on the qualifying criteria as determined by the Municipality from time to time in the Policy.

- (2) The person who qualifies for assistance in terms of subsection (1) must be prepared to convert to pre-payment metering whenever required by the Municipality to do so.
- (3) The Municipality must conduct regular audits of persons who are receiving assistance in terms of subsection (1) to ensure that they still meet the criteria for such qualification and, if not, take the necessary steps for the withdrawal of such assistance, subject to due compliance with the Constitution and the rules of natural justice.

Irrecoverable Debts

- 28.(1) Where a debt owing to the Municipality is considered irrecoverable in terms of the criteria set out in the Policy, and provided that there is sufficient provision to cover bad debts due to the Municipality, the CFO must write off such debt in accordance with the Policy.
- (2) The CFO must report to the council at its next meeting all amounts that have been written off as irrecoverable in terms of subsection (1), and all such information must also be included in the monthly budget statements which must be rendered by the municipal manager in terms of section 71 of the Municipal Finance Management Act.

CHAPTER 5

MISCELLANEOUS

Municipality's Right Of Access To Premises

- 29.(1) In accordance with the Policy and section 101 of the Systems Act, an authorized official may access any premises at any reasonable time in order to read, inspect, install or repair any meter or service connection, or to disconnect, stop or restrict the provision of any service.
- (2) Should access to the premises be unreasonably denied or prevented, a disconnection penalty fee may be raised in the account, over and above any penalty which may be imposed in terms of section 35.

Transmission Of Documents

30. Where any account, notice or other document issued by the Municipality in terms of this Bylaw is required to be given or delivered by the Municipality to any person, such communication may be posted by ordinary mail to the last known address of the customer; e-mailed to the customers e-mail account provided; messaged (sms'd) to the customers cell phone number; or be given or delivered in terms of Section 115 of the Systems Act or the Electronic Communications Act, 2005 (Act 36 of 2005).

Prima Facie Evidence Of Documentation

31. For the purposes of the recovery of any amount due and payable to the Municipality in terms of this By-law–
- (a) a copy of any relevant account; and
 - (b) an extract from the Municipality's records containing the details of such account and certified by an authorized official as being correct,
- shall constitute prima facie evidence of the information contained in such documents.

Update Of Customer Details

32. A customer must furnish the Municipality with updated information details of the customer when a change of such information occurs, which includes but is not limited to–
- (a) contact details of the customer;
 - (b) details of executors or administrators of deceased estates;
 - (c) deregistration of a company, close corporation or trust if the company, close corporation or trust is the account holder; and
 - (d) details of deceased–
 - (i) company directors;
 - (ii) members of close corporations; and
 - (iii) trustees of Trusts.

CHAPTER 6

PROCUREMENT OF GOODS AND SERVICES BY THE MUNICIPALITY

Procurement Of Goods And Services By The Municipality

33. (1) When submitting a tender for the provision of goods or services to the Municipality, every tenderer must prove to the satisfaction of the Municipality that all accounts for municipal services for which the tenderer and each of its directors, members, owners, partners or trustees are liable, have been paid in accordance with the requirements contained in the Policy and the Municipality's Supply Chain Policy.
- (2) the Municipality may at its sole discretion check whether all the municipal accounts of its supplier of goods or services are up to date and if found to be in arrears, any amount payable to the supplier may be set off against the arrear amount.
- (3) Where a contractor's place of business is out of the jurisdiction of the Municipality, a Revenue Clearance Certificate from the relevant Municipality must be produced.
- (4) Where a contractor, or its directors, members, owners, partners or trustees, is indebted to the Municipality for rates or any service charges and payments are due to that contractor in respect of goods or services provided to the Municipality, or in terms of any contractual arrangement with the Municipality, the arrear amount owing may be set off against such payments.

CHAPTER 7

GENERAL

Appeals

34. (1) A person whose rights are affected by a decision taken by an authorized official in terms Of this By-law may appeal against the decision in terms of the Appeals provision contained in Section 62 of the Systems Act by giving written notice of the appeal and reasons to the Municipal manager within 21 days of the date of the notification of the decision.

- (2) The municipal manager must promptly submit the appeal to the appropriate appeal Authority.
- (3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms of the Systems Act and not in terms of this By-law.

OFFENCES AND PENALTIES

35. (1) any person who contravenes or fails to comply with section 29 of this By-law is guilty of an offence and is liable upon conviction to a fine or imprisonment for a period not exceeding one year.
- (2) Any person who fails to furnish the Municipality with updated information details in terms of Section 32 may result in the Municipality–
 - (a) Withholding the provision of services of; or
 - (b) Imposing a sundry charge on,
The customer concerned.

Delegations

36. (1) Subject to the Constitution and applicable national and provincial laws, any–
 - (a) Power, excluding a power referred to in section 160(2) of the Constitution;
 - (b) Function; or
 - (c) Duty,

Conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councilors or staff members, may be delegated or sub delegated by such political structure, political office bearer, councilor or staff member, to an entity within, or a staff member employed by, the Municipality.

- (2) The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Systems Act, subject to the criteria set out in section 50(2) of the said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the-
 - (a) Entity or person issuing the delegation or sub-delegation;
 - (b) Recipient of the delegation or sub-delegation; and
 - (c) Conditions attached to the delegation or sub-delegation.

Repeal of Laws and Savings

- 37. (1) The By-laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.
- (2) Any rights accrued or obligations incurred under the By-laws repealed in terms of subsection (1) remains in force as if those By-laws have not been repealed.

Short Title and Commencement

- 38. This By-law is called the Credit Control and Debt Collection By-law, 2014 and takes effect on the date of publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

**SCHEDULE
BY-LAW REPEALED**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
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BY-LAW NO. 47 OF 2008
UTHUKELA DISTRICT MUNICIPALITY CREDIT
CONTROL AND DEBT COLLECTION
BYLAWS
THE WHOLE

UTHUKELA DISTRICT MUNICIPALITY

DISASTER MANAGEMENT BYLAWS

The Council and the uThukela District Municipality Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996, read in conjunction with Section 11-13 of the Municipal Systems Act, 2000 (Act No 32 of 2000) and the Disaster Management Act (Act 57 of 2002), made the following bylaws:

These disaster management by-laws are prepared in terms of section 55 (2) of the Disaster Management Act (Act 57 of 2002) to ensure public safety before, during and or after the occurrence of a catastrophic event. Where there is a conflict between these bylaws and a provincial or national legislation/ statutory document, the provincial and national legislation shall take precedence over these bylaws. These bylaws shall be applied concurrently with the Major Hazard Installations Regulations as per Government Gazette No 22506 where applicable.

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CHAPTER 1

Definitions Disaster – means a progressive or sudden, widespread or localized, natural or human caused occurrence which

- a) Causes or threatens to cause;
 - i) Death, injury or disease
 - ii) Damage to property, infrastructure or the environment or
 - iii) Disruption of the life of a community and
- b) Is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using their own resources.

Local disaster - for the purposes of these by-laws shall mean a disaster that, affect the area of jurisdiction of the UThukela District Municipality, including 100 meters from the boundary of a neighboring municipality that, the UThukela District Municipality is able to deal with using its own resources.

Disaster Management Memorandum of Understanding - for the purposes of these bylaws shall mean an agreement entered into between the UThukela District Municipality with its neighboring municipalities ensuring a joint effort during a disaster/ catastrophic event that shall ensure a well-coordinated assessment and provision of disaster relief measures during such catastrophe.

Disaster Management - means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at:

- a) Preventing or reducing the risk of disasters;
- b) Mitigating the severity or consequences of disasters;
- c) Ensuring emergency preparedness;
- d) Ensuring rapid and effective response to disasters;
- e) Ensuring post-disaster recovery and rehabilitation.

Emergency Preparedness - means a state of readiness, which enables organs of state and other institutions involved in disaster management, the private sector, communities, and individuals to mobilize, organize and provide relief measures to deal with an impending or current disaster or the effects of a disaster.

Municipality - for the purpose of these bylaws shall mean the UThukela District Municipality.

NGO - shall mean None Governmental Organizations Mitigation- in relation to a disaster, means measures aimed at reducing the impact or effects of a disaster.

Municipal Disaster Management Center - means a center established in the administration of a municipality in terms of section 43 of the disaster management act.

Post Disaster Recovery - means efforts, including development, aimed creating a situation where:

- a) Normality in conditions caused by a disaster is restored.
- b) The effects of a disaster are mitigated or
- c) Circumstances are created that will reduce the risk of a similar disaster from occurring.

Prevention - in relation to a disaster means measures aimed at stopping a disaster from occurring or preventing an occurrence from becoming a disaster.

Response - in relation to a disaster means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster.

Act - shall mean the Disaster Management Act (Act 57 of 2002)

Statutory Function - means a person performing a function assigned to that person by National, Provincial and municipal legislation.

Vulnerability - means the degree to which an individual, a household, community or an area may be adversely affected by a disaster.

Competent Person - means a person that has the relevant qualifications or is a high ranking person and familiar with procedures of the particular organization.

CHAPTER 2

IMPENDING, OCCURRENCE OF DISASTERS OR CATASTROPHIC EVENTS

- 2.1 Where a disaster has occurred within the area of jurisdiction of the UThukela District Municipality, also affecting the boundaries of a neighboring municipality, the UThukela District Municipality shall release any available resources of the municipality, including stores, equipment, vehicles and facilities to deal with such a disaster in an effective and prompt manner. The UThukela District Municipality shall extend its services within 100 meters from the boundary of a neighboring municipality of which the neighboring municipality shall do the same.
- 2.2 The UThukela District Municipality shall release its emergency personnel as required to effectively render emergency services during a disaster/ catastrophic event.
- 2.3 During a state of a disaster the UThukela District Municipality shall implement all or any of the provisions of its disaster management plan, framework as well as these bylaws that will be applicable in the circumstances at the point in time to effectively deal with the effects of such catastrophic event.
- 2.4 Where a disaster/ catastrophic event has occurred and the UThukela District Municipality is of the opinion that the safety of its residents is at stake or compromised in any way and circumstances require the evacuation to temporal accommodation or shelter of all or part thereof of the population from the disaster stricken or threatened area for the purposes of preserving life, the municipality shall evacuate all the affected people to a place of safety.
- 2.5 Where the UThukela District Municipality is of no doubt that before, during or after the occurrence of a disaster or catastrophic event, the flow of traffic, including people to and from the disaster stricken area poses danger the municipality shall ensure the regulation of such traffic, people/ persons and goods to, from or within the disaster stricken or threatened area in order to preserve life or ensure safety.
- 2.6 Once the UThukela District Municipality is of the opinion that, occupation of premises believed to be vulnerable to an impending disaster or already stricken by the disaster and such occupancy pose a high risk to occupiers, the municipality shall prohibit occupation of such premises and where necessary people will be evacuated to ensure their safety.
- 2.7 Where a disaster has already stricken or threatening to occur, the municipality may suspend or limit the sale, dispensing or transportation of alcoholic beverages to that area to prevent any uncontrollable behavior of persons under the influence of alcohol, which may result in mortality/fatality rate increasing.

CHAPTER 3

PREPARATION, HOSTING OF PUBLIC EVENTS

When a public event is organized either by the UThukela District Municipality, Provincial, National Government, private company within the area of jurisdiction of the UThukela District Municipality and as a result of the event members of the public more than 250 are expected to partake in such event, the following conditions shall apply in order to ensure the safety of the public during the proceedings of such event.

- 3.1 The application must be forwarded to the legal services 14 days before the event shall take place.
- 3.2 Once the application of the event has been lodged to the municipality, the legal services in the municipality shall convene a section 4 planning meeting at a date convenient enough to allow proper planning of the event and such meeting shall consist of all relevant stakeholders to plan for the event and / or where an application to erect a marquee has been lodged such information shall be also provided to the disaster management section.

The following must be adhered to:

- 3.3 The person assigned as Event Co-coordinator must be a competent person.
- 3.4 Proof must be given that the applicant provides sufficient public liability insurance to cover the costs of any claims that may arise due to any accidents/incidents that may occur at this event.
- 3.5 An estimate of expected number of people to attend the event must be provided in the application to allow for proper planning by all role-players. I.e. Fire & Rescue Services, Ambulance Services, S.A.P.S., Traffic Department, Health Department. etc.
- 3.6 Refuse bins and skips for waste collection and removal.
- 3.7 The number of marshals at the ration of 50: 1 must be provided to assist during the proceedings of the event.
- 3.8 Security personnel for crowd control must be made available.
- 3.9 Where a marquee has been erected to accommodate more that 250 people, the convener of the event shall be liable of producing an Engineer's Structural Certificate that certifies the facility safe for utilization failing which no member of the public shall be allowed inside the facility.
- 3.10 Where a stage more than one (1) meter has been erected either inside and/or outside the marquee, an Engineer's Compliance Certificate must be produced.

- 3.11 The Chief Disaster Management Officer of the UThukela District Municipality or somebody acting on his behalf shall be the authorized Officer to ensure that, the contents of these by-laws are enforced diligently.
- 3.12 The convener of the event must make sure that, a layout plan indicating all permanent and/or temporal structures where the event is going to be held. This shall as well clearly indicate the emergency exit routes, assembly area and parking arrangements. Fire & Rescue Services / Disaster Management requirements:
- 3.13 The time-span of the event must be provided, i.e. starting time and expected closing time of the event.
- 3.14 An emergency plan, including a complete lay-out map, indicating all the emergency entrances and exits, the Joint Operations Centre, the Forward Command Post & Triage area and Medical Station must be provided along with all the names and contact numbers of all emergency, security and safety roll players.
- 3.15 The Fire Brigade emergency telephone numbers, 035- 7974411/2/3 must be available at the Joint Operations Centre. The telephone number of the Venue Co-coordinator and his delegated subordinate must be provided to the Fire Brigade Control Room. 5
- 3.16 Banks of Dry Chemical Powder type fire extinguishers are to be provided at all marquees, stage area and any stall/buildings being utilized during this event and these extinguishers must be either new or have undergone a service (calibration) within the last twelve months.
- 3.17 The Fire Prevention Officer will carry out a full inspection to ensure that the area is in compliance with applicable fire requirements, at which time the positioning of all fire extinguishers will be specified.
- 3.18 No open fires will be allowed except for food preparation in the designated food sale/preparation areas.
- 3.19 Gas cylinders on any designated food sale/preparation areas must be kept to a maximum of 2 x 48Kg cylinders on a manifold and the Fire Prevention Officer must be satisfied with the location and installation of the said cylinders.
- 3.20 All fire-fighting equipment and emergency exits must be kept unobstructed at all times.
- 3.21 No vehicles, with the exception of VIP's, emergency, security and organizing official's vehicles will be allowed inside the premises.
- 3.22 The Joint Operations Centre must be provided with all the necessary office equipment (tables, chairs, etc.) layout map, emergency plan, contact numbers, communications equipment, etc.
- 3.23 All functionaries representing their departments at the Joint Operations Center shall remain at the JOC at all times until told otherwise by the person in charge of the JOC.

- 3.24 The Fire Brigade will have on duty in this area, one Disaster Management Officer, one Senior Fire Brigade Officer, four Fire fighters and one medium fire tender.
- 3.25 All functionaries present at the JOC shall confirm the number of resources available at the JOC from their respective departments.
- 3.26 The Venue Co-coordinator must arrange for a final fire prevention inspection 2-hours before the gates open for the event.
- 3.27 An account for the stand-by service performed by the Fire Brigade will be forwarded to the applicant as per Councils tariff of charges.
- 3.28 A compulsory Disaster Management meeting must be held on site whereby all the emergency, safety and security personnel can liaise and co-ordinate the final arrangements for the event.
- 3.29 The uThukela District Municipality does not accept any responsibility for any claims of damage, loss, injury or death of any person or property that may arise as a result of the permission granted for the presentation of the above event/s.

General

It is important that the following points are clarified before the event in the interest of safety and security planning:

- 3.30 Will members of the public be allowed to bring alcoholic beverages onto the site and if not how will such a situation be dealt with in the event of a member of the public attempting to do so.
- 3.31 Will members of the public be allowed to enter the premises in possession of any dangerous weapons (fire-arms, knives, etc.)
- 3.32 Will any age limit be enforced on entry or is the event open to people of all ages.
- 3.33 Will there be a certified stand-by electrician on site in the event of power failure.
- 3.34 It is recommended from Disaster Management that, preferably, the S.A.P.S. helicopter be negotiated to do air support and observations of the event. (Only if necessary)
- 3.35 If the designated event area is full, how will the rest of the public be notified and turned away.
- 3.36 A competent person (Structural Engineer) shall inspect and certify the marquee and/ or stage safe and shall provide a certificate of compliance to relevant authorities before the commencement of the event.
- 3.37 Proper identification tags inclusive of the job designation must be provided to all personnel working at the event.

- 3.38 If food is provided / prepared they must comply with environmental bylaws and a Certificate of Acceptability must be submitted.
- 3.39 Adequate provision of toilets must be made that are in line with the health bylaws.

CHAPTER 4

MAJOR HAZARD INSTALLATIONS

All industrial premises situated within the area of jurisdiction of the UThukela District Municipality must:

- 4.1 Submit to the municipality an onsite Emergency Plan.
- 4.2 Such plan shall be updated/ reviewed at least once in every three years
- 4.3 If no change has taken place that may result to the amendment of the emergency plan during the period at which such plan is to be updated, the industries shall provide correspondence to the municipality indicating the same.
- 4.4 Once the plan has been reviewed and / or updated, it shall be submitted to Chief Disaster Management Officer and / or Chief Fire Officer, in his/her absence to the person acting on behalf of the Chief Disaster management Officer/ Chief Fire Officer
- 4.5 The plan shall be signed by the company representative and witnessed by two people before submitting to the municipality
- 4.6 The Chief Disaster Management Officer and the Chief Fire Officer shall evaluate the plan and either approve it or refer it back if realized that, the plan has got shortcomings
- 4.7 The on-site emergency plan shall be tested in practice at least once a year whereby the emergency services of the municipality shall be informed for presence to evaluate the simulation
- 4.8 Conduct a risk assessment on intervals not exceeding a period of five years and submit such risk assessment to the office of the Chief Disaster Management Officer and/ or Chief Fire Officer
- 4.9 The risk assessment shall be carried out by an approved Inspection Authority which is competent to express an opinion as to the risks associated with the major hazard installation
- 4.10 All emergency occurrences and /or incidents that occurred shall be reported to the municipality within 48 hours by means of telephone and there-after submit a written report to the Chief Disaster Management Officer and/ Chief Fire Officer within seven days of the occurrence of the incident

4.11 The Emergency Plan shall at least contain the following minimum requirements but shall not be limited to:

- 4.11.1 A brief description of the production of the company.
- 4.11.2 Clearly outline the risks associated with the production process of the company.
- 4.11.3 A layout plan for the company indicating all the crucial points in so far as risks are concerned and also indicating all the emergency assembly points.
- 4.11.4 The emergency team organization chart
- 4.11.5 Communication channels in the organizations in case of an emergency
- 4.11.6 Inventory for emergency control center (if there is any) and /or vehicles.
- 4.11.7 Emergency Contingency Plans to deal with the different risks identified e.g. Fires, Bomb Threats, Explosions, Gas leaks, Trauma etc.
- 4.11.8 Evacuation Contingency Plan incorporating people with disabilities.
- 4.11.9 Emergency Contingency Plan addressing environmental contamination.
- 4.11.10 All emergency contact numbers
- 4.11.10.1 Proof of induction on emergency standards for external contractors employed in the company
- 4.11.11 Training requirements for emergency personnel
- 4.11.12 A material safety data sheet

CHAPTER 5

OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and on conviction be liable to a fine or imprisonment for a period of twelve months and in the case of continuous offence, to an additional fine of **R10 000.00** or additional imprisonment for each day on which the offence continues, provided that the period of such additional imprisonment shall not exceed 90 days.

