



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

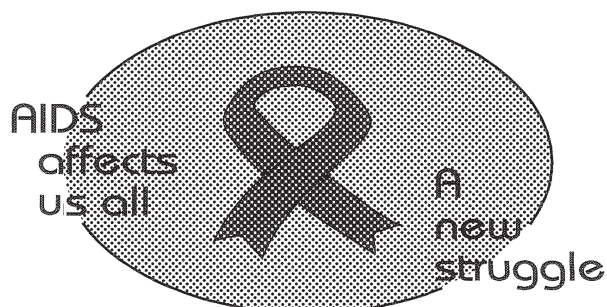
Vol. 24

NELSPRUIT
28 JULY 2017
28 JULIE 2017

No. 2835

PART 1 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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ISSN 1682-4518



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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

	<i>Gazette No.</i>	<i>Page No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
72 Ermelo Town-planning Scheme, 1982: Portion 6 of Erf 574, Ermelo	2835	11
73 Mpumalanga Gambling Act (5/1995): Amendment of Bookmaker Licence: Fort Wood Sports Betting and Application for a Bookmaker Licence: Fort Wood Transport Enterprises	2835	12
74 Piet Retief Town Planning Scheme, 1980: Remainder of Erf 249, Piet Retief	2835	13
74 Piet Retief Stadsbeplanningskema, 1980: Restant van Erf 249, Piet Retief	2835	13
75 Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016: Steve Tshwete Amendment Schemes No. 710 & 711	2835	13
75 Steve Tshwete Ruimtelike Beplanning en Grondgebruikbeheer Bywet, 2016: Steve Tshwete Wysigingskemas No. 710 & 711	2835	14
76 Local Government: Municipal Systems Act (32/2000): City of Mbombela: Various By-Laws; and Umjindi Local Municipality By-Laws	2835	15
PROCLAMATION • PROKLAMASIE		
18 Less Formal Township Establishment Act (113/1991): Designation of land for Less Formal Settlement on Portion 8, 9 and 12 of the Farm Rustplaas No 494-IT, now to exclude Portion 9 of the Farm Liliefontein No 493-IT, District Piet Retief	2835	260
19 Spatial Planning and Land Use Management, 2015: Remainder of Erf 1498, Nelspruit Extension 2	2835	261
20 Less Formal Township Establishment Act (113/1991): Designation of land for Less Formal Settlement on Portion 8, 9 and 12 of the Farm Rustplaas No 494-IT, now to exclude Portion 9 of the Farm Liliefontein No. 493-IT, District Piet Retief	2835	262
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
84 Mpumalanga Gaming Act (5/1995) as amended: Application for a site operator license: Mhluzi Tattersalls	2835	263
85 Mpumalanga Gaming Act (5/1995), as amended: Application for a site operator license: Nkoboni Construction and Projects CC, Registration Number 2005/175531/23, trading as Gugu Centre Bar	2835	263
86 Mpumalanga Gaming Act (5/1995), as amended: Application for a site operator license: BETSA CC, Registration Number 1995/048123/23, trading as Elukwatini Tattersalls	2835	263
87 Mpumalanga Gaming Act (5/1995) as amended: Application for a site operator license: Sabie Sports Bar	2835	264
88 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator License: Jose Isidro Silva Da Corte, trading as Pholani Sports Bar	2835	264
89 Mpumalanga Gaming Act (5/1996), as amended: Application for a site operator license: Gert Mkhonto, Identity Number 5310106120080, trading as Mamanyiko Restaurant	2835	264
90 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator Licence: 264 Zone Palace (Pty) Ltd, trading as 264 Zone Palace	2835	265
91 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator License: Phumelela Gaming and Leisure Limited, trading as Malelane Tab	2835	265
92 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator License: Phumelela Gaming and Leisure Limited, trading as Naas Tab	2835	265
93 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator License: Frans Abraham Jurgens Breytenbach, trading as Phat Boys (Ermelo)	2835	266
94 Mpumalanga Gaming Act (5/1995) as amended: Application for a Site Operator License: Zacharia Njinju Kampu, trading as Jambo Lounge	2835	266
95 Mpumalanga Gaming Act (5/1995), as amended: Application for a site operator license: Kinjoveh Business Enterprise (Pty) Ltd, Registration Number 2017/112245/07, trading as Joeys Bet	2835	266
96 Mpumalanga Gaming Act (5/1995) as amended: Application for a site operator license: 264 Zone Palace	2835	267
LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS		
80 Local Government: Municipal Property Rates Act (6/2004): Resolution levying property rates for the Financial year 1 July 2017 to June 2018: Bushbuckridge Local Municipality	2835	268
81 Spatial Planning and Land Use Management By-law, 2015: Nkangala District Municipality Appeal tribunal hereby commences its operation	2835	279
82 Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016: Portion 1 of Erf 2612, Aerorand Township	2835	280
82 Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuur By-wette, 2016: Gedeelte 1 van Erf 2612 van die Dorp Aerorand	2835	281

Closing times for **ORDINARY WEEKLY** 2017

MPUMALANGA PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- 29 December, Thursday, for the issue of Friday 06 January 2017
- 06 January, Friday, for the issue of Friday 13 January 2017
- 13 January, Friday, for the issue of Friday 20 January 2017
- 20 January, Friday, for the issue of Friday 27 January 2017
- 27 January, Friday, for the issue of Friday 03 February 2017
- 03 February, Friday, for the issue of Friday 10 February 2017
- 10 February, Friday, for the issue of Friday 17 February 2017
- 17 February, Friday, for the issue of Friday 24 February 2017
- 24 February, Friday, for the issue of Friday 03 March 2017
- 03 March, Friday, for the issue of Friday 10 March 2017
- 10 March, Friday, for the issue of Friday 17 March 2017
- 16 March, Thursday, for the issue of Friday 24 March 2017
- 24 March, Friday, for the issue of Friday 31 March 2017
- 31 March, Friday, for the issue of Friday 07 April 2017
- 07 April, Friday, for the issue of Friday 14 April 2017
- 12 April, Wednesday, for the issue of Friday 21 April 2017
- 20 April, Thursday, for the issue of Friday 28 April 2017
- 26 April, Wednesday, for the issue of Friday 05 May 2017
- 05 May, Friday, for the issue of Friday 12 May 2017
- 12 May, Friday, for the issue of Friday 19 May 2017
- 19 May, Friday, for the issue of Friday 26 May 2017
- 26 May, Friday, for the issue of Friday 02 June 2017
- 02 June, Friday, for the issue of Friday 09 June 2017
- 09 June, Friday, for the issue of Friday 16 June 2017
- 15 June, Thursday, for the issue of Friday 23 June 2017
- 23 June, Friday, for the issue of Friday 30 June 2017
- 30 June, Friday, for the issue of Friday 07 July 2017
- 07 July, Friday, for the issue of Friday 14 July 2017
- 14 July, Friday, for the issue of Friday 21 July 2017
- 21 July, Friday, for the issue of Friday 28 July 2017
- 28 July, Friday, for the issue of Friday 04 August 2017
- 03 August, Thursday, for the issue of Friday 11 August 2017
- 11 August, Friday, for the issue of Friday 18 August 2017
- 18 August, Friday, for the issue of Friday 25 August 2017
- 25 August, Friday, for the issue of Friday 01 September 2017
- 01 September, Friday, for the issue of Friday 08 September 2017
- 08 September, Friday, for the issue of Friday 15 September 2017
- 15 September, Friday, for the issue of Friday 22 September 2017
- 21 September, Thursday, for the issue of Friday 29 September 2017
- 29 September, Friday, for the issue of Friday 06 October 2017
- 06 October, Friday, for the issue of Friday 13 October 2017
- 13 October, Friday, for the issue of Friday 20 October 2017
- 20 October, Friday, for the issue of Friday 27 October 2017
- 27 October, Friday, for the issue of Friday 03 November 2017
- 03 November, Friday, for the issue of Friday 10 November 2017
- 10 November, Friday, for the issue of Friday 17 November 2017
- 17 November, Friday, for the issue of Friday 24 November 2017
- 24 November, Friday, for the issue of Friday 01 December 2017
- 01 December, Friday, for the issue of Friday 08 December 2017
- 08 December, Friday, for the issue of Friday 15 December 2017
- 15 December, Friday, for the issue of Friday 22 December 2017
- 20 December, Wednesday, for the issue of Friday 29 December 2017

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the eGazette Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 72 OF 2017

**NOTICE OF APPLICATION FOR THE AMENDMENT
OF THE ERMELO TOWN PLANNING SCHEME, 1982,
IN TERMS OF SECTION 66 (1) OF THE
MSUKALIGWA SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW 2016**

AMENDMENT SCHEME

We, TopGroup Geomatics, being the authorised agent of the owner of **Portion 6 of ERF 574 Ermelo**, hereby give notice in terms of Section 66 (1) of the Msukaligwa Spatial Planning and Land Use Management By-Law 2016, that we have applied to the municipality of Msukaligwa for the amendment of the Ermelo Town Planning Scheme 1982, by the rezoning of the property situated at 574 Buhrman Street Ermelo from **Residential 1 to Residential 3**.

Particulars of the applications will lay for inspections during normal office hours at the office of Municipal Manager, Msukaligwa Local Municipality, C/o Taute & Kerk Street, Ermelo for a period of 30 days from **21 July 2017**.

Objections to or representations in respect to the applications must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 48 Ermelo, 2350, within a period of 30 days from **21 July 2017**.

Address of Agent: TopGroup Geomatics

P.O Box 1085

SIBUYILE

1216

Email: info@topgroupgeomatics.co.za

Cell No. 073-945-8179

28-4

NOTICE 73 OF 2017

MPUMALANGA GAMBLING ACT, (ACT 5 OF 1995)**AMENDMENT OF BOOKMAKER LICENCE**

Notice is hereby given that, **FORT WOOD SPORTS BETTING (REG NO. 2006/071946/23)** intend submitting an application to the Mpumalanga Gambling Board for an amendment of a bookmaker's licence, to relocate from 65 Main Street, Ogies to 64 Main Street, Ogies. The application is open to public inspection at the office of the Board from 28/7/2017

Attention is directed to the provisions of Section 26 of the Mpumalange Gambling Act, 1995 (Act 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objectives should be lodged within 30 days with the Chief Executive Officer, Mpumalanga Gambling Board, First Avenue, Private Bag x9908, White River, South Africa, 1240.

Any person submitting representations should state in such representation whether or not they wish to make oral representations at the hearing of the application.

MPUMALANGA GAMBLING ACT, (ACT 5 OF 1995)**APPLICATION FOR A BOOKMAKER LICENSE**

Notice is hereby given that, **FORT WOOD TRANSPORT ENTERPRISES (REG NO. 2006/071946/23)** submitted an application for a Bookmaker License to the Mpumalanga Gambling Board on the 31st of August 2011. The application is open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240.

- The purpose of the application is to obtain a license to conduct betting on horse racing and sports on the premises of the aforesaid business.
- The applicant's bookmaker premises (business) is located at Flornia Building, Kruger street, Witbank (Emalahleni), 1035
- The owners and/or managers of the site is as follows : Mr Judas Matimbe Chauke (5402095709088) and Desia Mmule Jane Chauke (5811170814086)

Attention is directed to the provisions of Section 26 of the Mpumalange Gambling Act, 1995 (Act 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objectives should be lodged within 30 days with the Chief Executive Officer, Mpumalanga Gambling Board, First Avenue, Private Bag x9908, White River, South Africa, 1240.

NOTICE 74 OF 2017**PIET RETIEF AMENDMENT SCHEME 335.**

Notice of application for the amendment of the Piet Retief Town Planning Scheme, 1980, in terms of Section 56(1)(b)(i) of the Town-Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986).

I, Pinkie Kühne, being the authorised agent of the registered owner of the property mentioned below, hereby give notice, in terms of the above Ordinance, that I have applied to the Mkhondo Municipality, Piet Retief, for the amendment of the Town Planning Scheme, known as the Piet Retief Town Planning Scheme, 1980, by the rezoning of Remainder of Erf 249, situated at No. 9 Kemp Street, Piet Retief from "Residential 1" to "Residential 2".

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Civic Centre, Mark Street, Piet Retief for a period of 28 (twenty eight) days from 28 July 2017.

Objections to this application must, within a period of 28 (twenty eight) days from 28 July 2017, written and in duplicate, be submitted to the Municipal Manager at the above address, or be posted to P. O. Box 23, Piet Retief, 2380.

Agent: Pinkie Kühne, P. O. Box 22072, Newcastle, 2940. Tel.: 034 312 3116 E-mail: pinkiekhune@gmail.com.

28-4

KENNISGEWING 74 VAN 2017**PIET RETIEF WYSIGINGSKEMA 335.**

Kennisgewing van aansoek om die wysiging van die Piet Retief Stadsbeplanningskema, 1980, ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, (Ordonnansie Nr. 15 van 1986).

Ek, Pinkie Kühne, synde die gemagtigde agent van die geregistreerde eienaar van die ondergenoemde eiendom, gee hiermee, ingevolge bogenoemde Artikel, kennis dat ek by die Mkhondo Munisipaliteit, Piet Retief, aansoek gedoen het om die wysiging van die Dorpsbeplanningskema, bekend as die Piet Retief Dorpsbeplanningskema, 1980, deur die hersonering van Restant van Erf 249 geleë te Kempstraat 9, vanaf "Residensieël 1" na "Residensieël 2".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Burgersentrum, Markstraat, Piet Retief, vir 'n tydperk van 28 (agt en twintig) dae vanaf 28 Julie 2017.

Besware of verhoë teen die aansoek moet, binne 'n tydperk van 28 (agt en twintig) dae vanaf 28 Julie 2017, geskrewe en in tweevoud, ingehandig word by die Munisipale Bestuurder by bovermelde adres, of gepos word aan Posbus 23, Piet Retief, 2380.

Agent: Pinkie Kühne, Posbus 22072, Newcastle, 2940. Tel.: 034 312 3116 E-pos: pinkiekhune@gmail.com

28-4

NOTICE 75 OF 2017**STEVE TSHWETE AMENDMENT SCHEME No. 710 & 711**

NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, SUBDIVISION AND CONSOLIDATION IN TERMS OF SECTIONS 62(1), 67(2) & 73(1) READ WITH SECTIONS 94(1)(A), 95(2)(B)&(C) AND 97(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.

I, KW Rost (ID nr 760721 5043 08 9), of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorized agent of the registered owner of Erven 5368, 5116 & 5117, Kwazamokuhle Extension 8, Registration Division I.S., Mpumalanga, hereby give notice in terms of section 94(1)(a), 95(2)(b)&(c) and 97(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, by the rezoning, subdivision & consolidation of the abovementioned properties, situated in the Kwazamokuhle Extension 8. The development will be as follows:

AMENDMENT SCHEME 710	AMENDMENT SCHEME 711
Rezoning of Erf 5368, Kwazamokuhle Extension 8 from "Business 2" to "Residential 1" with simultaneous subdivision of the property into 4 erven with an estimated size of 460m ² each.	Rezoning of Erven 5116 & 5117, Kwazamokuhle Extension 8 from "Residential 1" to "Public Open Space" with simultaneous consolidation of the two properties.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from 28 July 2017. Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from 28 July 2017.

Address of applicant: Townscape Planning Solutions, PO Box 20831, Noordbrug, 2522, Tel: 082 662 1105

28-04

KENNISGEWING 75 VAN 2017**STEVE TSHWETE WYSIGINGSKEMA No. 710 & 711****KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, ONDERVERDELING EN KONSOLIDASIE IN TERME VAN ARTIKELS 62(1), 67(2) & 73(1) SAAMGELEES MET ARTIKELS 94(1)(A), 95(2)(B)&(C) EN 97(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBEHEER BYWET, 2016**

Ek, KW Rost (ID nr 760721 5043 08 9), van Townscape Planning Solutions CC (Reg nr 2000/045930/23) synde die gemagtigde agent van die geregistreerde eienaar van Erwe 5368, 5116 & 5117, Kwazamokuhle Uitbreiding 8, Registrasie Afdeling I.S., Mpumalanga, gee hiermee ingevolge Artikels 94(1)(a), 95(2)(b) & (c) en 97(1)(a) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbeheer Bywet, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering, onderverdeling en konsolidasie van die bogenoemde eiendomme, geleë in Kwazamokuhle Uitbreiding 8. Die ontwikkeling is soos volg:

WYSIGINGSKEMA 710	WYSIGINGSKEMA 711
Hersonering van Erf 5368, Kwazamokuhle Uitbreiding 8 vanaf "Besigheid 2" na "Residensieël 1" met gelyktydige onderverdeling van die eiendom in 4 erwe met 'n gemiddelde grootte van 460m ² elk.	Hersonering van Erwe 5116 & 5117, Kwazamokuhle Uitbreiding 8 vanaf "Residensieël 1" na "Publieke Oop Ruimte" met gelyktydige konsolidasie van die twee eiendomme

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale Gebou, Wandererslaan, Middelburg, 1050, vir 'n tydperk van 28 dae vanaf 28 Julie 2017. Besware of versoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 28 Julie 2017 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Adres van Applikant: Townscape Planning Solutions, PO Box 20831, Noordbrug, 2522, Tel: 082 662 1105

28-04

NOTICE 76 OF 2017



CITY OF MBOMBELA

CREDIT CONTROL AND DEBT COLLECTION BY-LAW

[COUNCIL RESOLUTION: A (1) OF 28 JUNE 2017]

CREDIT CONTROL AND DEBT COLLECTION BY LAW

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

In terms of Section 13 of the Local Government: Municipal Systems Act 32 of 2000, the Mbombela Local Municipality ("the municipality") hereby publishes the Credit Control and Debt Collection by-laws set forth hereinafter, which have been made by the municipality in terms of Section 98 of the Local Government: Municipal Systems Act 32 of 2000.

INDEX

CHAPTER 1 GENERAL PROVISIONS

Section:

1. Definitions
2. Purpose of By-law

CHAPTER 2 CUSTOMER CARE AND MANAGEMENT

3. Communication
4. Service Agreements
5. Screening
6. Accounts
7. Metering
8. Complaints and appeals
9. Customer assistance

CHAPTER 3 INDIGENT SUPPORT

1

10 - 25

1

CREDIT CONTROL AND DEBT COLLECTION BY LAW

CHAPTER 4

CREDIT CONTROL AND DEBT COLLECTION

26. Enforcement Mechanisms

- (1) Water /electricity and other services
- (2) Theft, Tampering & Fraud
- (3) Collection costs
- (4) Magistrate Court jurisdiction
- (5) Irrecoverable debt
- (6) Clearance certificates

CHAPTER 5

MISCELLANEOUS PROVISIONS

27. Offences

28. Commencement date

CHAPTER 1

GENERAL PROVISIONS

1. DEFINITIONS

- (1) For the purpose of this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 2000 shall bear the meaning so assigned to it and, unless the context otherwise indicates:

“**apparatus**” means any equipment, tool, device, meter, connection, system or network, service connection, service protection device, articulation network or supply mains, part thereof supplied or used in the supply, distribution or conveyance of services or the measurement or consumption of services;

“authorized personnel” means any employee, agent, sub-contractor, or representative of a Service Provider or any person duly authorised by a Service Provider to perform any function under this By-law;

“debtor” means a person owing an amount of money to the municipality for a reason other than through the provision of municipal services;

“charges” means surcharges on fees, penalties, property rates, taxes, levies and duties;

“community” means persons who are obliged to pay for services and/or charges and include interested parties.

“customer” means the owner of any premises upon which charges are levied as well as a person to whom a Service Provider supplies with services, and the occupier thereof, where applicable;

“council” means the Council of the municipality;

“household” means the total number of people who occupy a property for residential purposes whether permanently or on a temporary basis, but excludes persons employed by the household;

“indigent” means a household who cannot afford to make a full monetary contribution towards charges and refuse removal services as determined by council;

“interested parties” means a coherent, social group of persons with interests or rights in a particular area of land which the members have or exercise communally in terms of an agreement, custom, law or interest;

“the municipality” means Mbombela Local Municipality, a municipality established in terms of the Local Government: Municipal Structures Act 117 of 1998.

“occupier” in relation to any premises means-

- a) any person in actual occupation of such premises;
- b) a person indicated as such in the service agreement;
- c) any person legally entitled to occupy such premises;
- d) in the case of such premises being subdivided and let to boarders or tenants, the person receiving the rent payable by such boarders or tenants, whether for his/her own account or as agent for any person entitled thereto or , or entitled to receive such rent;

- e) any person in charge of such premises or responsible for the management thereof, and includes the agent of any such person when he is absent from the Republic of South Africa or his/her whereabouts are unknown;
- f) any person appearing as such on the records of the Municipality.

“owner” means the owner of land in terms of the common law and includes:

- a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of court;
- b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- c) in relation to state land not controlled by a person contemplated in par (a) or a community –
 - (i) the Minister of the Government department or the Member of the Executive Council of the provincial administration exercising control over that state land; or
 - (ii) a person authorised by him or her; and
- d) in relation to a local authority, the municipal manager of the local authority or a person authorised by him or her;

And “own” shall have a corresponding meaning

“person” includes a juristic person, voluntary association, trustee, curator and liquidator;

“property” means –

- a) immovable property registered in the name of a person, and includes a unit as defined in section 1 of the Sectional Titles Act, 1986 (Act No. 95 of 1996); or
- b) a right registered against immovable property in the name of a person; ,

And **“premises”** shall have a corresponding meaning.

“reside” means the occupation of residential purposes;

“services” mean the provision of municipal services, including water, electricity, sanitation, sewerage and refuse removal;

“ service contribution” means a contribution towards bulk services and facilities levied in terms of the Local Government Ordinance, No 17 of 1939, the Local Authorities Rating Ordinance, No 11 of 1977 and the Town-planning and Townships Ordinance, No 15 of 1986, as the case may be;

"service provider" means the Municipality as well as any entity who provides services to customers pursuant to a service delivery agreement entered into with the Municipality in terms of Section 80 of the Local Government: Municipal Systems Act 32 of 2000.

“sundry and housing accounts” mean an account where a person owes an amount to the municipality for a reason other than through the provision of municipal services;

“tamper” means the interference with, damage to, alteration of, connection to or removal of any apparatus and includes the consumption or use of any service not in accordance with this By-law.

- (2) Words derived from the words defined have corresponding meanings, unless the context indicates otherwise.
- (3) A reasonable interpretation of a provision which is consistent with the purpose of this By-law must be preferred over an alternative interpretation which is not.
- (4) If there is any contradiction or inconsistency between this By-law and the Drainage and Sanitation Services By-laws, the Water Services By-laws or the Electricity Supply By-laws, this By-law shall take preference.
- (5) Neither –
 - (I) a reference to a duty to consult, nor
 - (II) the absence of any reference to a duty to consult

in this By-law exempts a Service Provider or its authorised personnel to act fairly in respect of all persons entitled to be heard.

2. PURPOSE OF BY-LAW

The purpose of this By-law is to:

- (1) Ensure that all monies due and payable to a Service Provider are collected;
- (2) Outline the procedures that will ensure that the members of the community are afforded an opportunity to contribute in the decision-making processes of the municipality and that they are informed thereof;

- (3) Outline credit control and debt collection policy procedures and mechanisms;
- (4) Provide for conditions pertaining to the supply of services and the discontinuation thereof;
- (5) Provide for mechanisms whereby accounts or meter able services are queried or verified and for written objections;
- (6) To make provision for indigent support;
- (7) To provide for mechanisms where irrecoverable debt are written off;
- (8) To provide for penalties for non-compliance with this By-laws.

CREDIT CONTROL AND DEBT COLLECTION BY LAW

CHAPTER 2

GENERAL PROVISIONS

3. COMMUNITY PARTICIPATION IN BUDGETARY PROCESS

- (1) The municipality, through its Financial Committee, shall hold an annual budget meeting during January (to be called the first budget meeting) where budget priorities, principles and a budget frame work will be considered.
- (2) Before the end of February of each year at least one public meeting shall be held where the local community and interest groups will be able to participate in the discussion and debating of budget priorities, budget principles and a budget framework.
- (3) At least 14 days notice shall be given of such public meeting by posting it on the designated notice board at the municipal offices and by publication thereof at least once in two local newspapers.
- (4) Before the end of March of each year a workshop shall be held in each ward, in order to:
 - Identify the needs of each ward;
 - Involve the community in prioritising those needs;
 - Provide information regarding the budgetary process, levels of payment and non-payment and to devise strategies regarding non-payment;
- (5) Before the end of April:
 - (I) A council workshop shall be held to reconcile the results of the first budget meeting, the public meeting and the ward workshops with council's integrated development plan.
 - (II) Council's mayoral committee shall create a draft budget.
- (6) Before the end of May of each year the draft budget shall be discussed at a second round of at least one public meeting, to be held and convened in the same manner as the first round of public meetings;
- (7) Council shall approve the final budget before the end of June of each year;
- (8) a. Council shall levy the fees, charges and tariffs in respect of services and charges by way of Council Resolution.

- b. The tariffs and charges so payable and the date of its implementation shall be published as prescribed in the Local Government: Municipal Systems Act No. 32 of 2000, as amended.
 - c. Such tariffs and charges may differentiate between different categories of customers, services and service standards as well as geographical areas.
- (9) The dates and procedure mentioned in this section are indicative only and are further subject to the financial and administrative capacity of the municipality.

4. SERVICE AGREEMENTS

- (1) No municipal services shall be provided to any property unless a written agreement governing the supply and cost thereof has been entered into with a Service Provider subject to its administrative, logistical and financial capability.
- (2) Such agreement shall be entered into by both the owner and occupier, where applicable. The owner shall bind himself/herself as surety and co- principal debtor in favour of the Service Provider for the fulfilment of the obligations of the occupier towards the Service Provider;
- (3) The owner and occupier shall be jointly and severally liable for payment of all municipal services and charges.

It is the duty of the owner to ensure that at all times that the occupier of the premises are not in arrears with payments, but the Municipality shall, where it is the Service Provider, and within financial and human resource constraints, endeavour to inform the owner of the performance by the occupier in terms of the agreement.

- (5) A Service Provider may require that service applications for business entities, including but not limited to trusts, companies, close corporations, partnerships, sole proprietors and voluntary associations be accompanied by any one or more or all of the following:
 - i. A resolution whereby authority to enter into the agreement is delegated to the signatory;
 - ii. The business entity's registration number or IT number, if applicable;

- iii. The names, addresses and all relevant contact particulars of all the businesses' directors or members or trustees or proprietors or partners or executive members;
 - iv. That any one or more or all partners/members/directors/trustees must sign as surety and co-principal debtor for the due fulfilment of all the obligations of the business entity;
 - v. That the signatory to the agreement warrants that he/she is duly authorised to do so, that all information supplied is true and correct and shall further warrant that the business is not trading in insolvent circumstances.
- (6) Upon application for municipal services, and if so required by the Municipality, customers emanating from other municipalities shall submit the particulars of the municipal account of such municipality and shall agree in writing that such other municipality may indicate whether all amounts due in respect of municipal services, surcharges on fees, property rates and other municipal taxes, levies and duties have been paid by the customer. The municipality may refuse to render any municipal services to such customer in the event of the previous account not being fully paid up or arrangements with such other municipality have been made for the payment thereof.
- (7) In the agreement customers shall warrant that all information supplied are correct and that liability is accepted for all municipal services and charges, costs of collection and interest on overdue accounts in the event of accounts being in arrears;
- (8) The address furnished in the service agreement shall constitute the domicilium citandi et executandi of the customer for the purpose of service of any process, notice, document or account.
- 9) The municipality shall provide a customer with a copy of the service agreement upon signature thereof by the municipality;
- (10) The applicant for services may be referred for a credit check as contemplated in Sections 5 (1) – 5 (2) prior to signature thereof by the Service Provider. ;
- (11) The application for services will only become an agreement upon signature thereof by the Service Provider.

5 SCREENING

- (1) If required by a Service Provider, an application for service agreements shall be accompanied with banking details, previous municipal account, particulars of trade creditors , and an applicant shall give in the application for services permission and authority to the Service Provider

to verify such information in order to assess the credit risk of the applicant;

- (2) Apart from the above, a Service Provider may also make the necessary enquiries with credit bureaus and similar institutions in order to assess the credit risk.

6. DEPOSITS

- (1) Prior to signature of a service agreement a security deposit shall be paid by the customer.
- (2) Such security deposit shall be paid either in cash or any other means of payment acceptable to the Service Provider. .
- (3) Security deposits may vary according to the credit risk of the customer as assessed by the Service Provider. ;
- (4) The municipality shall from time to time by resolution determine the criteria for the categories in terms whereof customers shall be graded as well as the amount of the deposit payable in each risk category, where the Municipality is the Service Provider.
- (5) The municipality shall only after consultation with the community periodically increase or decrease the deposits payable and date of implementation thereof, where it is the Service Provider.;
- (6) Upon termination of the service agreement the amount of the deposit less any outstanding amounts due will be refunded to the customer.
- (7) No interest shall be payable to the customer on deposits held by the municipality.

7. ACCOUNTS AND NOTIFICATION OF ADDRESS

- (1) In the absence of an agreement to the contrary, a Service Provider shall, within its administrative capacity and subject thereto, endeavour to render monthly accounts to the customer in respect of municipal services, and in the case of the Municipality, of charges.
- (2) Such accounts shall be posted to the address as indicated in the service agreement or to the address appearing in the records of the Service Provider as that of the customer, as the case may be.
- (3) It is the duty of the customer to ensure that accounts are received and payment effected notwithstanding the fact that it may not have been

received. It shall be presumed unless proven otherwise that any such account has been timeously received by the customer.

- (4) In the absence to an agreement to the contrary, accounts shall be as nearly as practically possible to a period of 30 days, shall be produced in accordance with the meter reading cycle and due date shall be linked to the statement date.
- (5) Payment of an account shall be effected within 7 days of the statement date, but where the Municipality is the Service Provider, and in the event of monthly payment of charges, payment must be made on or before the 7th day of each month .
- (6) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in full and final settlement of such an account, even where the customer is in dispute with a Service Provider regarding an amount due.
- (7) A customer shall inform a Service Provider in writing of any change of his/her postal and physical address within 7 days of date thereof, failure of which shall render the customer liable for all tracing costs and fees and wasted costs incurred as a result of such failure.
- (8) Every owner of property shall, within 60 (sixty) days after date of promulgation of this By-Law, inform the Municipality in writing of his/her postal and physical address and furthermore of any change thereof within 7 days of such change and every purchaser of property shall within 7 days after date of registration of that property into his/her name, inform the Municipality in writing of such fact and of his/her postal and physical address. Failure to do any of the above shall constitute an offence and such owner shall furthermore be liable for all tracing fees and costs and wasted fees incurred as a result of such failure.
- (9) The address of a customer as it appears in the records of the Municipality shall constitute the domicilium citandi et executandi of the customer for the purpose of the service of any process, notice, document or account.
- (10) Where any payment is made to a Service Provider by negotiable instrument such as cheque or promissory note and is dishonoured, the Service Provider:
 - (i) may recover the average bank charges incurred relating to dishonoured negotiable instruments and debit such amount against the account of the customer;
 - (ii) shall regard such an event as default on payment;
 - (iii) may refuse to accept further negotiable instruments from the drawer or customer;

- (iv) may place such incident on the national adverse credit listing;
 - (v) and may institute legal action which may include criminal charges against the drawer.
- (11) When municipal services are discontinued and the customer applies for services at a different address, the Service Provider shall be entitled to debit the customer's new account with any outstanding amount and the customer shall be obliged to pay same.
- (12) The municipality shall, within its administrative capacity and subject thereto, where it is the Service Provider, ensure that customers will receive an understandable and accurate account consolidated with all municipal service costs and charges for that property, where applicable.
- (13) A Service Provider, if administratively possible, issues a duplicate account to a customer on request, against payment of the prescribed fee.
- (14) A Service Provider shall operate and maintain suitable banking and cash facilities which facilities must be reasonably accessible to all customers, subject to the municipality's administrative and financial capability of that Service Provider;
- (15) A Service Provider may allocate all payments received to any debit entry on the account and a customer who has overdue debt may not specify that the payment is for a specific portion of the account or for a specific service or charge;
- (16) A Service Provider may, with the consent of a customer, approach an employer to deduct an agreed amount from the employee's weekly or monthly wage/salary to pay towards arrear municipal accounts.
- (17) The use by the customer of agents to effect payment to the municipality is at the sole risk of the customer. The (customer shall be liable for payment of all additional costs which is levied by the customer's agent.

8. METERING

- (1) A Service Provider shall provide, subject to practical and financial constraints, meters to all premises, for all meter able services;
- (2) In the absence of an agreement to the contrary, and subject to practical and financial constraints all meters will be read monthly. Where a meter has not been read the Service Provider must average the consumption by debiting the account with the average monthly reading for the preceding three months, if the history of the account is available.

Where no such history exists, the customer shall pay an estimate provided by the Service Provider.

- (4) When a meter is replaced, the customer shall be informed thereof in writing;
- (5) In the event of a service being metered but cannot be read due to practical, financial or human resource constraints or circumstances out of the control of the Service Provider, and the customer is then charged for an average consumption as contemplated in paragraph 8.2, the account following the reading of the meter consumption shall articulate the difference between the actual consumption and the average consumption and the resulting credit or debit adjustment.
- (6) Every customer shall give an authorised representative of the a Service Provider access at all reasonable hours to the property in order to read, inspect, install, repair or replace any meter or service connection for reticulation, or in order to disconnect, stop, restrict or reconnect the provision of any service;
- (7) In the event of access not being reasonably possible the Service Provider may relocate a meter and the customer shall be responsible for payment of the costs of such relocation;
- (8) In the event of reasonable access not being possible the Service Provider may:
 - (i) by written notice require the customer to restore access at his/her own cost within a specified period; or
 - (ii) restore access without prior notice and recover the costs thereof from the customer.

9. COMPLAINTS AND APPEALS

- (1) A Service Provider shall, within practical and financial constraints establish:
 - (i) a central complaints/feedback office;
 - (ii) a centralised database in order to enhance co-ordination of complaints and the resolution thereof as well as effective communication with customers;
- (2) A customer may lodge a written request with the Service Provider for recalculation of an account, or testing of a meter if such customer is of the opinion that the account rendered is inaccurate or such meter is defective.

- (3) Such a request must contain full personal and/or business particulars of the customer, the relevant account number, direct contact number, address and any other particulars required by the Service Provider.
- (4) Pending the outcome of the request, the customer must pay an amount equal to the average of the monthly total of the preceding three months' accounts where history of such an account is available. Where no such history is available the customer shall pay an estimate provided by the Service Provider, not later than the date due for payment thereof;
- (5) Failure to make interim payments as contemplated herein will render the customer liable for disconnection of the services.
- (6) Upon receipt of the request, the relevant Service Provider shall give a written acknowledgment thereof, investigate the matter and inform the customer in writing of the outcome of such investigation, and shall give reasons for its decision.
- (7) Any adjustment to the customer's account as a result of the investigation shall be made within one month.
- (8) Upon receipt of the decision of the Service Provider the customer may lodge an appeal against the decision by furnishing it, together with reasons, within 21 days after communication of the decision to the Service Provider, and in the case of the Municipality, to the municipal manager. The Service Provider or the municipal manager, as the case may be, shall commence with the appeal within six weeks and shall decide the appeal within a reasonable period. The decision of the Service Provider shall be final and it may proceed with credit control and debt collection measures provided for in this By-law after the customer has been notified of the outcome of the appeal.
- (9) No dispute, enquiry or complaint will be reconsidered after the outcome thereof has been communicated to the customer.
- (10) If the customer is not satisfied with the outcome of the complaint, the customer must first pay the amount in dispute under protest before approaching a court of law for the necessary relief.
- (11) Under no circumstances may the payment of any amount be withheld as a result of any dispute or perceived dispute and the Service Provider may in such an event proceed with debt collection mechanisms as provided for in this By-Law.

10. CUSTOMER ASSISTANCE

(1) Incentives

- (i) A Service Provider may from time to time implement incentives to promote prompt payment of accounts.

(2) Rate rebate

- (i) Properties used exclusively for residential purposes may qualify for a property rate rebate as determined annually by the municipality by resolution subject to the following:
 - (a) only customers receiving old-age pensions or state disability grants are eligible for a rebate;
 - (b) application for a rebate must be made in writing annually to reach the chief financial officer on/or before 30th June;
 - (c) The applicant must be the registered owner of and residing on the property;
 - (d) The subletting of any portion of the premises, the taking in of boarders or tenants or any children or family members being employed and living on the property shall disqualify the applicant for a rebate;
 - (e) The applicant should not own any other immovable property;
 - (f) The property must be readily accessible to municipal staff for purpose of carrying of inspections during reasonable hours.

(3) Settlement arrangements

- 3.1 Notwithstanding any arrangement for payment as contemplated herein, a Service Provider may restrict and/or discontinue the provision of services as provided for in this By- Law.
- 3.2 A Service Provider may enter into an arrangement with a customer if such customer is unable to, on good cause shown, to pay his/her account, and may require that the customer shall:
 - (a) sign an acknowledgement of debt;
 - (b) sign consent to civil judgment;
 - (c) consent to a garnishee order/emolument order/stop order (if he/she is in employment)
 - (d) acknowledge that interest will be charged at the prescribed rate and in a manner determined by the Service Provider from time to time;
 - (e) not fall into arrears with payment of the current portion of the account.

- (f) sign an acknowledgment that, if the arrangement is defaulted on, the full outstanding balance will then immediately become due and payable, that no further arrangements will be entered into and that disconnection of water and/or electricity will continue and that legal proceedings will be instituted for recovery of all arrear amounts and
- (g) the owner or his/her agent consents to such arrangement in writing.

3.3 In the event of a customer being in arrears pertaining to an account and seeking an arrangement for the payment thereof, the Service Provider may in its discretion convert the electricity meter to a prepayment meter and the cost of such conversion together with such arrears, shall be paid off either by:

- (a) adding it to the arrears account and repaying it over the period agreed upon; or
- (b) adding it as a surcharge to the prepaid electricity costs and repaying it within the agreed period with each purchase of services until the debt is liquidated.

3.4 The Service Provider may raise the security deposit payable in the event of an arrangement being sought or where a customer is in default in terms of such an arrangement;

3.5 The customer must prove levels of income, if the Service Provider requests same, and all arrangements shall be made subject to periodic review.

(4) Instalments

Customers and property developers will be given the opportunity to pay property rates and service contributions in instalments, as determined by the municipality from time to time subject thereto that such period shall not exceed 12 months.

(5) Tenders

It shall be a condition of the awarding of all tenders for the provision of services or delivery of goods that the tenderer, its directors, owners, trustees, members or partners have paid all accounts pertaining to each and every such tenderer, director, owner, trustee, member or partner or that suitable arrangements for payment thereof have been made, which arrangement shall include the right to set-off in the event of non compliance of such arrangement.

CHAPTER 3

INDIGENT SUPPORT

10. The municipality shall render support to indigent owners of property, who, due to a number of socio-economic factors are unable to make a full monetary contribution towards services provided by the municipality;
11. For an owner to qualify to be indigent, such owner must comply with the following requirements:
 1. the applicant must be over 18 years of age;
 2. the total household income of all occupants must be less than an amount determined by the municipality, which amount shall be annually adjusted by the municipality;
 3. the applicant must have an active account with the municipality;
 4. the applicant may not own more than one immovable property.
 5. The applicant must reside on the property.
12. The applicant must apply on the prescribed application form only at service centres designated as such and situated within his/her respective area, together with the following documentary proof:
 - (1) applicant's identity document;
 - (2) latest municipal account and proof of ownership;
 - (3) documentary proof of total monthly income of the household to the satisfaction of the municipality, including, but not limited to UIF card, salary advice, letter from an employer and bank statements.
 - (4) an affidavit to the effect that all the information supplied is true and correct and that the total income of the household from all sources has been declared;
 - (5) Recommendation by the applicant's ward councillor.
13. The municipality may appoint inspectors who shall be entitled to visit the applicant's premises in order to verify the correctness of the information provided in the application form, to record any changes in circumstances and make recommendations for approval, disapproval or disqualification of an application.

14. The application together with the inspector's recommendation shall be submitted to an indigent committee. Such indigent committee shall be a sub-committee of the finance committee of the municipality;
15. The indigent committee shall approve, disapprove or disqualify the application and in the event of an application being approved, determine the subsidy amount to be granted;
16. The indigent committee's decision shall be final and binding;
17. An applicant must reapply for indigent support on an annual basis;
18. The reapplication for indigent support shall not be approved if the account pertaining to the use of water and/or electricity in excess of the free water and electricity consumption is not paid up to date;
19. The municipality shall inform all applicants in writing about the outcome of the application. In the event of the application being approved, the applicant shall be informed of the date of commencement and date of termination of the subsidy, with no guarantee of renewal;
20. An owner who receives indigent support shall immediately request the cessation of the subsidy if his/her circumstances have changed to the extent that he/she no longer complies with the requirements for indigent support.
21. Subsidies shall only be granted in respect of property rates and refuse removal. Water, sanitation and electricity consumption shall not be subsidised.
22. Indigent customers may be required to revert to prepayment meters. In such an event the municipality may, in its sole discretion decide that the cost thereof shall be met either by:
 - (1) a surcharge on the coupon cost;
 - (2) cash payment by the indigent customer; or
 - (3) be regarded as part of the subsidy grant.
23. The municipality may differentiate between the amount of subsidies granted and may categorise indigent customers into various categories, but may not unfairly discriminate against customers.
24. If an indigent customer's consumption or use of a municipal service is less than the subsidised service or free basic service the unused portion may not be accrued by the customer and the customer shall not be entitled to cash or a rebate in respect of the unused portion.

25. Indigent support shall automatically terminate:
- (1) upon death of the indigent customer;
 - (2) when the indigent customer disposes of his/her immovable property;
 - (3) when the indigent customer's circumstances change or indigent criteria for approval changes to the extent that the indigent customer no longer qualifies for indigent support;
 - (4) when the indigent customer no longer resides on the property
 - (5) If an indigent customer fails to pay the account in excess of the subsidy service pertaining to water and/or electricity or fails to honour any arrangements made by him/her for payment of the outstanding account; and
 - (6) It is discovered that the information supplied by the indigent customer was false, in which event all subsidies granted to the indigent customer shall reversed retrospectively.

CHAPTER 4

CREDIT CONTROL AND DEBT COLLECTION

26. ENFORCEMENT MECHANISMS

- (1) **Water/electricity and other services**
- (i) If a municipal account is not paid on the due date shown on the account, and unless permission for deferment of a payment has been granted, a written warning of possible disconnection of water and/or electricity supply will be forwarded to the customer and in which notice the date of such disconnection shall be stipulated, which date shall not be less than 14 days, calculated from date of receipt of such notice.
 - (ii) The customer will be deemed to have received such notice on the same day if delivered by hand, e-mail or telefax transmission, on the 3rd day after day of posting, if posted by ordinary mail and on the 4th day after date of posting, if posted by registered mail.
 - (iii) A Service Provider shall be entitled to disconnect or restrict the supply of water and/or electricity without any further notice if payment in full had not been made on the date stipulated in the notice.

- (iv) upon disconnection of the supply of water and/or electricity, the Service Provider shall post a notice in a conspicuous place on the property wherein the customer is informed that the supply has been disconnected, that all electric points should be considered live and that all water outlets should be closed. The said notice shall also advise that the supply will only be reconnected upon payment of the total amount specified in the notice together with the prescribed reconnection fee. Such notice shall also warn the customer of the consequences of unauthorised reconnection or use.
- (v) Business entities shall not have the option to make arrangements for deferred payment but shall be obliged to pay all arrears and prescribed fees before services will be restored.
- (vi) the Service Provider shall restore services within a reasonable time after submission of proof of payment of the required amount, subject to logistical capacity. Services shall only be restored during official business hours except in instances deemed to be emergencies, and an additional after-hours fee shall then be charged.
- (vii) In the event of a customer being in arrears with property rates or any other municipal charges, the municipality shall have the right to deny or to restrict the sale and supply of electricity or water, where the Municipality is the Service Provider.
- (viii) The cost of restriction or disconnection and reconnection of services shall be determined by the municipality from time to time, and such costs shall be paid by the customer.

(2) Rates, charges and levies

It shall constitute an offence if charges are not paid on due date as stipulated on the account.

(2.1) Annual rates and other annual levies

- (i) If the account is not paid by due date as indicated on the account, a letter of demand shall be forwarded to the customer showing the total amount owed to the municipality and requesting the customer to pay the full amount owing within a prescribed period which shall not be less than 14 days after date of receipt of the notice.

- (ii) The customer will be deemed to have received such notice on the same day if delivered by hand, e-mail or telefax transmission, on the 3rd day after date of posting if posted by ordinary mail and on the 4th day after date of posting if posted by registered mail.
- (iii) If such notice is posted, it shall constitute due notice if forwarded to the postal address supplied by the customer in the service agreement.
- (iv) If the account has not been settled or acceptable arrangements have been made on or the date mentioned in the letter of demand, the municipality may issue summons and the due legal process as contemplated herein shall be followed.
- (v) Where the arrear rates is in respect of a municipal property sold by the municipality in terms of a suspensive sale agreement or lease agreement, the collection thereof may be done in terms of the Deed of Sale, lease agreement or any subsequent applicable written agreement between the municipality and the customer.

(2.2) Monthly rates

- (i) Interest will be charged on overdue accounts at an interest rate that shall be determined by the municipality from time to time by resolution;
- (ii) If the customer's account is in arrears for a period of 30 days or more, a letter of demand shall be forwarded to a customer, demanding payment of the arrear amount, and in which notice the amount is stipulated and the date for payment thereof is indicated, which date shall not be less than 14 days after date of dispatch of the said notice;
- (iii) The customer shall be deemed to have received the notice on the same day if delivered by hand, e-mail or telefax transmission, on the 3rd day after date of posting if posted by ordinary mail and on the 4th day after date of posting if posted by registered mail;
- (iv) If such notice is posted, it shall constitute due notice if forwarded to the postal address supplied by the customer in the service agreement.
- (v) Should a customer fail to pay the arrears on the due date stipulated in the notice, the full outstanding balance of the annual rates shall immediately become due and payable and

the municipality shall then be entitled to institute legal action for the recovery thereof.

(V1) The provisions of section 26 (2.1) (v) shall be mutatis mutandis applicable to this par. (2.2).

(3) Sundry and housing accounts

- (i) If a debtor's account is in arrears for a period of 30 days or more, a letter of demand shall be forwarded to a debtor, demanding payment of the arrear amount, and in which notice the amount is stipulated and the date for payment thereof is indicated, which date shall not be less than 14 days after date of dispatch of the said notice;
- (ii) The debtor will be deemed to have received a notice on the same day if delivered by hand, e-mail or telefax transmission, on the 3rd day after date of posting if posted by ordinary mail and on the 4th day after date of posting if posted by registered mail.
- (iii) The municipality may thereafter institute legal action for recovery of the amount owing.
- (iv) Property purchased from the municipality sold by a suspensive sale agreement shall be repossessed in terms of the written agreement between the debtor and the municipality if payment of the purchase price is in arrears for more than 30 days.
- (v) Once a property has been repossessed, the debtor will not be eligible for reinstatement of the agreement and may not purchase any other property from the municipality by way of suspensive sale agreement.

(5) Interest on overdue accounts

Interest will be charged on all accounts not paid by due date in accordance with applicable legislation and as determined by the Service Provider from time to time. Such interest will be levied and capitalised monthly in arrears on the monthly outstanding balance from due date and will be calculated for a full month irrespective of when payment is made. Such interest charged shall appear on the following month's account.

(6) Legal process

- (i) Where the service of outside parties are utilized for debt collection, inclusive of debt collection agencies and/or attorneys, such entities shall comply with such code of conduct as may be prescribed by their respective professional bodies.
- (ii) A Service Provider may release the credit information regarding a customer's account to credit bureaus or any other statutory institution as may be lawfully entitled to it. Apart from the above, such information shall remain confidential and may not be released or divulged to any person or entity without the prior written consent of the customer.
- (iii) A customer's particulars shall only be removed from an adverse credit listing after payment of the full account outstanding together with interest and penalties as prescribed has been paid by means of cash or a bank guaranteed cheque.
- (iv) In the case of default judgments entered into against a customer or debtor, such customer or debtor shall at his/her own cost appoint an attorney to rescind the judgment and the Service Provider shall not oppose same, on condition that the full outstanding balance of the account together with interest and other charges as prescribed have been paid.

(7) Theft, tampering and fraud

- (1) No person shall in any manner or for any reason whatsoever tamper or interferes with any apparatus;
- (2) A Service Provider shall have the right to immediately terminate the supply of services of a customer where prima facie evidence of tampering, theft or wilful damage to any apparatus, without prior notice to the customer;
- (3) In cases where the tampering has resulted in the meter recording less than the true consumption, the Service Provider shall have the right to recover from the customer the full cost of his/her estimated consumption;
- (4) The total amount owing, including interest, charges, assessment of unauthorised consumption, damages and discontinuation and reconnection fees as well as increased deposits as determined by the Service Provider, if applicable, shall be due and payable before any service shall be reconnected;
- (5) No person shall fail to provide information reasonably required regarding investigation into or enquiries in connection with tampering, theft or wilful damage to property of a Service Provider or used in connection with the provision of services or provide false information in connection therewith;

- (6) A Service Provider may, where prima facie evidence exists regarding the withholding of information or provision of false information, immediately and without notice to the customer disconnect or restrict services and the provision of this paragraph regarding the reconnection of services shall mutatis mutandis apply;

(8) Cost of collection

All costs and charges, interest, administration and collection costs, all penalties, surcharges, damages, service discontinuation and reconnection costs, assessment costs and all legal costs, fees and disbursements incurred in the collection of a debt shall be for the account of the customer or debtor as the case may be and the customer or debtor as the case may be shall be liable to pay legal costs on an attorney and client basis.

(9) Magistrate Court jurisdiction

The Magistrate's Court shall have jurisdiction to adjudicate any action, notice of motion or application in terms of this By-law, notwithstanding the amount involved.

(10) Irrecoverable debt

- (1) The municipality, in the case of charges due or where it is the Service Provider, shall only abandon recovery of a debt owed to it in one or more of the following circumstances:
- (i) Insolvency or demise of the customer or debtor as the case may be, if proven that his or her estate has insufficient funds to make payment;
 - (ii) A balance being too small to recover for economic reasons considering the costs of recovery;
 - (iii) where the claim has become prescribed;
 - (iv) when the customer or debtor as the case may be relocate and three tracing agents are unable to trace the current whereabouts of such person;
 - (v) All reasonable notifications and cost-effective legal avenues to recover the outstanding amount have been exhausted.

- (vi) The amount outstanding is the residue of the payment of a dividend from an insolvent estate or where there is a danger of contribution in proving a claim against the insolvent estate.
 - (vii) If the debt outstanding cannot be proved;
 - (viii) The outstanding amount is due to an administrative error by the municipality.
 - (ix) by Council resolution on good cause shown. .
- (2) Notwithstanding the above the municipality shall be under no obligation to write off any particular debt.

CHAPTER 5

MISCELLANEOUS PROVISIONS

27. OFFENCES

- (1) Any person contravening or failing to comply with any provision of Sections 5(3) and Section 26(8) of this By-law shall be guilty of an offence and liable on conviction to a fine not exceeding R40 000,00, or in default of payment, to imprisonment for a period not exceeding 2 years.
- (2) Any person who contravenes or fails to comply with any other provision of these By-laws or who remain to be in default in complying therewith shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding R10 000,00, or in default of payment to imprisonment for a period not exceeding 6 months, and on any subsequent conviction to a fine not exceeding R20 000,00, or in default of payment, to imprisonment for a period not exceeding 12 months.
- (3) Any person who fails to comply in any respect with any notice served on him by the municipality in terms of these By-laws directing him to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which non-compliance continues and shall be liable in respect of each offence as aforesaid to a fine not exceeding R375,00 or in default of payment, to imprisonment for a period not exceeding 7 days for each day of contravention.

28. COMMENCEMENT DATE

These By-laws take effect on the date of proclamation in the Provincial Gazette



CITY OF MBOMBELA

ELECTRICITY SUPPLY BY-LAW

[COUNCIL RESOLUTION: A (1) OF 28 JUNE 2017]

ELECTRICITY SUPPLY BY-LAWS

ELECTRICITY SUPPLY BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 160(4) of the Constitution of the Republic of South Africa, Act 108 of 1996 as read with Section 16(1) of the Local Government: Municipal Systems Act, Act 32 of 2000, that the City of Mbombela intends to amend its Electricity Supply By-Laws by adopting the following By-Law: -

INDEX

Section

1.	Definitions	4
2.	Other Terms	7
3.	Headings and Titles	7
4.	Provision of Electricity Services	7
5.	Supply by Agreement	8
6.	Continuation of Supply to New Consumer	8
7.	Service of Notice	8
8.	Compliance with Notices	8
9.	Application for Supply	8
10.	Processing of Requests for Supply	9
11.	Arbitration	9
12.	Way Leaves	9
13.	Statutory Servitude	10
14.	Right of Admittance to Inspect, Test and/or do Operational / Maintenance Work or any Official Duties	10
15.	Refusal or Failure to Give Information	10
16.	Refusal of Admittance	11
17.	Improper Use	11
18.	Electricity Tariffs and Fees	11
19.	Resale of Electricity	13
20.	Right to Disconnect Supply	13
21.	Non-liability of the Service Provider	13
22.	Leakage of Electricity	14
23.	Failure of Supply	14
24.	Lines, Meters and Other Apparatus are not Fixtures	14
25.	Seals, Locks and Meters of the Service Provider	14
26.	Tampering with Service Connection or Supply Mains	14
27.	Protection of Electrical Distribution System	15
28.	Unauthorised Connections	15
29.	Unauthorised Re-connections	15
30.	Temporary Disconnection and Re-connection	15
31.	Temporary Supplies	16
32.	Temporary Work	16
33.	Load Reduction	16
34.	H.V. Switchgear and Equipment	16
35.	L.V. Switchgear and Equipment	16
36.	Transformer Substation Accommodation	17
37.	Wiring Diagram and Specification	17
38.	Standby Supply	17
39.	Consumer's Emergency Standby Supply Equipment	18
40.	Installation Circular Letters / Technical Standards	18
41.	Liability for Damage to Service Connection or Service Provider Equipment	18
42.	Consumer to Erect and Maintain Electrical Installation	18
43.	Fault in Electrical Installation	18
44.	Discontinuance of Use of Supply	18
45.	Change of Occupier	19
46.	Service Apparatus	19
47.	Service Connection	19
48.	Metering Accommodation	20

49.	<u>Load Requirements</u>	20	
50.	<u>Load limitations</u>	20	
51.	<u>Interference with Other Persons' Electrical Equipment</u>	21	
52.	<u>Limited Size for L.V. Motors</u>	21	
53.	<u>Maximum Starting and Accelerating Currents of Three-phase Alternating Current Motors</u>	21	21
54.	<u>Consumers Supplied at Low Voltage</u>	21	
55.	<u>Power Factor</u>	21	
56.	<u>Protection</u>	21	
57.	<u>Declared Voltage</u>	21	
58.	<u>Metering</u>	21	
59.	<u>Accuracy of Metering</u>	22	
60.	<u>Reading of Conventional Meters</u>	23	
61.	<u>Prepayment Metering</u>	23	
62.	<u>Electrical Contractors</u>	24	
63.	<u>Cost of Work</u>	24	
64.	<u>Penalties</u>	25	
65.	<u>Magistrate Court Jurisdiction</u>	25	
66.	<u>Repeal of By-Laws</u>	25	
67.	<u>Commencement Date</u>	25	

ELECTRICITY SUPPLY BY-LAW

SECTION 1 GENERAL

Definitions

In this by-law, the words and phrases shall have the meaning described to them in the Definition Section in the Electricity Regulation Act Number 4 of 2006 as amended (herein after referred to as the Act), unless inconsistent with the context:

“accredited person” means a person registered in terms of the regulations as an electrical tester for single phase, an installation electrician or a master electrician, as the case may be;

“applicable standard specification” means:

Electricity Regulation Act, 2006, with all amendments.

Occupational Health and Safety Act, 1993 (Act No 85 of 1993). Schedule: Electrical Installation Regulations. (referred to as the regulations)

SANS 1019: specification *SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply*, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

SABS 1607: Electromechanical watt-hour meters,

SABS 1524: Parts 0, 1 & 2 – Electricity dispensing systems,

SANS 1507: specification *SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 5 V)*, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

SANS 10142-1: Code of practice *SANS 10142-1/SABS 0142-1:2003 – The wiring of premises Part I: Low-voltage installations*, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

SANS IEC 60211: Maximum demand indicators, Class 1.0,

SANS IEC 60521: Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2)

NRS 047: Electricity Supply - Quality of Service;

NRS 048: Electricity Supply - Quality of Supply, and

NRS 057: Electricity Metering: Minimum Requirements

COM- ERSSM City of Mbombela Electrical Reticulation Standards and Supply Methods as approved in writing by the General Manager Energy

“approved” means approved in writing by the General Manager Energy (herein after called Engineer);

“certificate of compliance” means a certificate issued in terms of the regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“consumer” or customer means:

- (a) a person (consumer or customer) who purchases electricity or a service relating to the supply of electricity;
- (b) the occupier of any premises to which the Service Provider has agreed to supply or is actually supplying electricity;
- (c) if there is no occupier, any person who has entered into a current agreement with the Service Provider for the supply of electricity to such premises, or
- (d) if there is no such person, the owner of the premises and, for the purpose of the regulations, shall mean the user or lessor of the electrical installation;

“consumer’s agreement” means an agreement as referred to in section two item 0;

“conventional meter” or **“credit meter”** means a meter where an account is issued subsequent to the consumption of electricity;

“effective date” means the date on which the responsibility for the delivery of the electricity service is transferred to the Service Provider;

“electrical contractor” means an electrical contractor as defined in the regulations;

“electrical installation” means an electrical installation as defined in the regulations;

“Engineer” means the General Manager Energy or the official in charge of the electricity undertaking of the *Service Provider* or any other person duly authorised to perform this duty on his behalf;

“high voltage” (hereinafter referred to as H.V.) means the set of nominal voltage levels which is used in power systems for the bulk transmission of electricity in the range of $44 \text{ kV} < U_n \leq 220 \text{ kV}$ in accordance with SANS 1019;

“law” means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

“low voltage” (hereinafter referred to as L.V.) means the set of nominal voltage levels which is used for the distribution of electricity and the upper limit of which is generally accepted to be an AC voltage of 1 000 V (or a DC voltage of 1500 V) in accordance with SANS 1019;

“medium voltage” (hereinafter referred to as M.V.) means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n \leq 44 \text{ kV}$. [SANS 1019].

“meter” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

“motor load, total connected” means the sum total of the kW ratings of all the individual motors connected to an installation;

“motor rating” means the maximum continuous kW output of a motor as stated on the manufacturer’s rating plate;

“motor starting current” in relation to alternating current motors means the symmetrical root of the mean square current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

“Municipality” means the City of Mbombela, a local municipality established in terms of Section 12 of the Local Government Municipal Structures Act 117 of 1998.

“NERSA” means the National Energy Regulator of South Africa a regulatory authority established as a juristic person in terms of section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

“NRS 047” means the national rationalised specification *NRS 047-1:1999 – Electricity supply – Quality of service Part 1: Minimum standards*, as amended from time to time;

“NRS 048” means the national rationalised specifications *NRS 048-1:1996 – Electricity supply – Quality of supply Part 1*, *NRS 048-2:1996 – Electricity supply – Quality of supply Part 2*, *NRS 048-3:1998 – Electricity supply – Quality of supply Part 3*, *NRS 048-4:1999 – Electricity supply – Quality of supply Part 4*, *NRS 048-5:1998 – Electricity supply – Quality of supply Part 5*, as amended from time to time;

“NRS 057” means the national rationalised specification *NRS 057-2:2000 – Electricity metering Part 2: Minimum requirements*, as amended from time to time;

“occupier” in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;

- (c) in the case of such premises being subdivided and let to lodger or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in charge of such premises or responsible for the management thereof, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown;

“owner” in relation to immovable property means the person in whom is vested the legal title thereto; provided that-

- (a) in the case of immovable property-
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined-
 - (i) is dead or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic, or if his address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
- (c) if the Service Provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof, to the exclusion of the person in whom is vested the legal title thereto;

“point of consumption” means a point of consumption as defined in the regulations;

“point of control” means the point at which the electrical installation on or in any premises can be switched off by a user or lessor from the electricity supplied from the point of supply, or the point at which part of the installation on the premises can be switched off where different users occupy different parts of such premises;

“point of metering” means the point at which the consumer’s consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the *Service Provider* or the electrical installation of the consumer, as specified by the General Manager Energy (herein after called Engineer) Engineer; provided that it shall meter all of, and only, the consumer’s consumption of electricity;

“point of supply” means the point determined by the Service Provider or any duly authorised official of the Service Provider at which electricity is supplied to any premises by the Service Provider;

“premises” means any land or any building or structure above or below ground and includes any vehicle, aircraft or vessel;

“prepayment meter” means a meter that can be programmed to allow the flow of the pre-purchased amounts of energy in an electrical circuit;

“reasonable access” means free and unhindered access with proper identification;

“regulations” means regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended;

“retail wheeling” means the process of moving third party electricity from a point of generation across the distribution systems of the Service Provider and selling it to a consumer;

“reseller” means as a ‘non-licensed trader of electricity with an approved agreement with the Service Provider.

“safety standard” means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the regulations;

“SANS 10142-1” means the code of practice *SANS 10142-1/SABS 0142-1:2003 – The wiring of premises Part 1: Low-voltage installations*, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

"SANS 1019" means the specification *SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply*, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"SANS 1507" means the specification *SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 5 V)*, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means a device installed on an electrical line to prevent damage to the supply system;

"Service Provider" means a person or institution or any combination of persons and institutions which provide a municipal service in terms of a service delivery agreement; Service providers should be licenced by the Regulator;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"Service Authority" means An Electricity Service Authority, defined as any Municipality responsible for ensuring access to electricity services in the Act, may perform the functions of an Electricity Service Provider, and may also form a joint venture with another Electricity Service Institution to provide electricity services.

"supply mains" means an electric cable or overhead line forming that part of the *Service Provider's* electrical distribution system to which the service is connected;

"tariff" means the *Service Provider's* tariff of charges for the supply of electricity;

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a unique prepayment meter and *vice versa*;

"voltage" means the root-mean-square value of electrical potential between two conductors.

Other Terms

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended, or the Local Government: Municipal Systems Act 2000, (Act 32 of 2000) as amended, as well as any regulations made in terms of these Acts.

Headings and Titles

The headings and titles in this by-law shall not affect the interpretation of the By-laws or the construction thereof.

SECTION 2 GENERAL CONDITIONS OF SUPPLY

Provision of Electricity Services

Only the Service Provider shall supply or contract for the supply of electricity within the jurisdiction of the Service Provider.

The Service Provider may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the consumers of this electricity supplier.

Supply by Agreement

No person shall use or be entitled to use any electricity supply from the *Service Provider* unless or until such person shall have entered into an agreement in writing with the *Service Provider* for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.

- (a) The charge payable for the supply shall be in accordance with the prescribed tariff.
- (b) The Service Provider may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his/her behalf.
- (c) No person shall, without first having obtained the engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

Continuation of Supply to New Consumer

- (a) The Service Provider may, upon the termination of any consumer agreement, enter into a new consumer agreement with any prospective consumer providing for the continuation of the supply.
- (b) The consumer who is a party to the new consumer's agreement referred to in subsection (a) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

Service of Notice

- (a) A document shall be deemed to have been served on a person by the Service Provider when it has been served in accordance with the provisions of the Municipal Systems Act, section 115 of Act 32 of 2000.
- (b) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (c) Any legal process is effectively and sufficiently served on the Service Provider when it is delivered to the Chief Executive Officer / Accounting Officer of the Service Provider or an employee in attendance at the office of the Chief Executive Officer.

Compliance with Notices

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

Application for Supply

- (a) An application for a new electricity supply or for the increase in the capacity of an existing electricity supply, or for a prepayment arrangement must be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Service Provider, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply is required in order to facilitate the work of the Service Provider.
- (b) An application for a new electricity supply for a period of less than one year must be regarded as an application for a temporary electricity supply and must be considered at the discretion of the Engineer, who may specify special conditions that are to be met. The applicable tariff for a temporary electricity supply as determined by the Municipality is payable.
- (c) No permanent installation may be supplied with a temporary electricity supply without the written approval of the Engineer.

- (d) If there is a change of occupier or consumer and the new consumer wishes to continue using the existing temporary electricity supply, the new consumer must apply to the Finance Department of the Municipality on the prescribed form(s) determined by the Chief Financial Officer of the Municipality from time to time.
- (e) Only one electricity service connection must be made available to a stand. Additional electricity service connections may be supplied at the discretion of the Engineer. On approval of a second consumer right on a property, an application for an additional electricity service connection must be submitted by the applicant. When an approved second consumer unit is erected, a separate electricity service connection must be taken from the Municipality for the applicant's account.

Processing of Requests for Supply

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047:1.

(a) Quotations to consumers

If a consumer has made a written request for supply and has provided all the necessary documentation, the following time frames for quotation shall apply:

- (i) within 10 working days where existing infrastructure can be used;
- (ii) within 1 month where network extensions are required; and
- (iii) if new networks have to be installed or if supply is required for industrial and commercial consumers, the period for providing a quotation shall be negotiated between the consumer and the licensee.

(b) Providing a supply

If a consumer has paid all monies owing and met all other obligations stipulated by the licensee and if, where applicable, all subsidies have been received, the following time frames shall apply for the provision of supply:

- (i) within 30 working days where existing infrastructure can be used;
- (ii) within 2 months where LV network extensions are required and within 3 months where MV network extensions are required; and
- (iii) NOTE It might be necessary to negotiate an extended period of time to accommodate delivery of equipment from manufacturers.
- (iv) if new networks have to be installed, if HV extensions are required or if supply is required for industrial and commercial consumers, the period for providing the supply shall be negotiated between the consumer and the licensee.

Arbitration

If at any time any difference or question arises between the *Service Provider* and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party there under, such difference or question or matter or thing so subject to agreement or adjustment shall be referred to the National Electricity Regulator for a decision, failing which shall be determined by arbitration [in such manner as may be agreed upon, and failing such] in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965), as amended.

Way Leaves

- (a) The Service Provider may refuse to lay or erect a service connection or supply mains above or below ground on any thoroughfare not vested in the Service Provider or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Service Provider written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land upon which any such thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection or supply mains thereon.
- (b) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection or to supply mains in order that the supply may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply is required to be continued.
- (c) All new service connections will be done with servitudes. All existing way leaves should be changed to servitudes.

Statutory Servitude

- (a) Subject to the provisions of subsection (c) the Service Provider may within the municipal area of the Service Authority:
 - (i) provide, establish and maintain electricity services;
 - (ii) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (iii) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Service Provider;
 - (iv) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (i) to (iii).
- (b) If the Service Provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Service Provider or under the control of or management of the Service Provider, the Service Provider shall determine the restrictions to be imposed on the use of the property under a servitude agreement. The Service Provider and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or, in the absence of agreement, as determined either by arbitration or a court of law.
- (c) The Service Provider shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Service Provider or under the control or management of the Service Provider, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

Right of Admittance to Inspect, Test and/or do Operational / Maintenance Work or any Official Duties

- (a) The Service Provider shall, through its employees, contractors and their assistants and advisers, have reasonable access to or over any property for the purposes of:
 - (i) doing anything authorised or required to be done by the Service Provider under this by-law or any other law;
 - (ii) inspecting and examining any service mains and anything connected therewith;
 - (iii) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Service Provider and making any necessary survey in connection therewith;
 - (iv) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - (v) enforcing compliance with the provisions of this by-law or any other law.
- (b) The Service Provider shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (a), except where the Service Provider is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Service Provider and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (c) An employee of the Service Provider authorised thereto by such Service Provider may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (a).
- (d) The Service Provider may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of an emergency, state of war or the occurrence of any calamity or disaster.
- (e) No person shall wilfully hinder, obstruct, interfere with or refuse admittance to the Engineer or any duly authorised official of the Service Provider in the performance of his duty under this by-law or of any duty connected therewith or relating thereto. The official should be able to show official identification when requested.

Refusal or Failure to Give Information

- (a) No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Service Provider or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (b) The Service Provider shall not make any information available concerning the supply or account details for any premises to any third party not working for the Service Provider without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Service Provider.

Refusal of Admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to the Engineer or any duly authorised official of the *Service Provider* in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

Improper Use

Should reasonable grounds or prima facie evidence exist that any consumer is using electricity in such a manner that it interferes with the efficient supply to any other consumer, the *Service Provider* may, without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause of the disconnection has been permanently remedied or removed. The fee as prescribed by the *Service Provider* for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the Engineer that the consumer did not use or deal with the electricity in an improper manner.

Electricity Tariffs and Fees

Copies of tariffs and fees may be obtained at applicable sundry charges at the head offices of the Service Provider or at the relevant Sub-directorate or on the official web site of the Service Provider. Tariffs and fees will be adjusted as regulated. The Annual Tariff Schedule of the City of Mbombela, for each financial year will be applicable.

- (a) Availability charges as determined from time to time by the Service Provider is payable to the Service Provider – by the owner of immovable property with or without improvements, which is not connected to the electricity distribution system of the Service Provider, if access to an electricity connection is available to such property.
- (b) The provisions of subsection (a) are not applicable to-
 - (i) immovable property which belongs to the Service Provider; and
 - (ii) immovable property in respect of the Service Provider has granted written exemption or partial exemption of payment of the availability charges; provided that the Service Provider may at any time withdraw any such exemption.
- (c) The Service Provider reserves the right to require the consumer to deposit a sum of money as security in payment of any charges, which are due or may become due to the Service Provider. The amount of the deposit in respect of each electricity installation shall be determined by the Service Provider. Each such deposit may be increased if the Service Provider deems the deposit held to be inadequate, or as a result of non-payment, or as a result of tampering, or as a result of unauthorized connections or unauthorized reconnections. Such deposit shall not be regarded as being in payment of part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff. On cessation of the supply of electricity, the amount of such deposit, less any payments shall be refunded to the consumer interest free, on his/her request only.
- (d) The Service Provider may at any time when the deposit or guarantee is found to be inadequate for the purpose of subsection (c), require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the Service Provider such additional sum or furnish such additional guarantee as the Service Provider may require, failing which the Service Provider may discontinue the supply.
- (e) Subject to the provisions of subsection (c), any person claiming a refund of a deposit or part thereof, shall either-
 - (i) surrender the receipt which was issued for payment of the deposit; or

- (ii) if such receipt is not available, sign a receipt prescribed by the Service Provider for refund to him/her of such deposit or part thereof, and satisfy the Service Provider that he is the person entitled to such refund.
- (iii) If a deposit or part thereof has been refunded in accordance with paragraph (i), the Service Provider shall be absolved from any further liability in respect thereof.
- (iv) The consumer agreement may contain a provision that upon termination of the agreement any sum deposited by the consumer and not claimed within one year shall be forfeited to the Service Provider.
- (f) The Service Provider shall, in respect of each scale of the tariff governing a supply, provide the number of meters that it deems necessary. The consumer shall be liable for all charges for all electricity supplied to his premises at the prescribed tariff rates.
- (g) The Service Provider may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period as provided for in (i) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum by him as settlement of the provisional account.
- (h) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- (i) The amount of a provisional account referred to in (g) shall be determined by the Service Provider with reference to previous consumption, reflecting what would in Service Provider's opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account. If there has been no such previous consumption the Service Provider shall determine the amount of the said account with reference to consumption on similar premises which, in Service Provider's opinion afford reasonable guidance.
- (j) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.
- (k) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any grounds other than inaccuracy of the meter, the Service Provider shall make such enquiries and tests as it deems necessary and shall, if satisfied that the consumer has been wrongly charged, adjust the account accordingly. Provided that no such adjustment shall be made in respect of a period in excess of 36 months prior to the date on which the wrong charge was observed or the Service Provider was notified of such wrong charge by the consumer. Any costs incurred by Service Provider as a direct result of a consumer complaint that in the Service Provider's opinion proved to be without grounds, shall be charged to the consumer.
- (l) All accounts shall be deemed to be payable when issued by the Service Provider and each account shall, reflect the due date and a warning indicating that the supply may be disconnected without notice should the charges in respect of such supply remain unpaid after the due date. The warning shall be deemed to be the notice served on the consumer of such disconnection.
- (m) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account is rendered.
- (n) Where a duly authorised official of the Service Provider has visited the premises for the purpose of disconnecting the supply in terms of (l) and he is obstructed or prevented from effecting such disconnection the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (o) After disconnection for non-payment of an account or contravention of any provision of these Bylaws, the prescribed fees and any amounts due for electricity consumed shall be paid before reconnection is made.
- (p) The Service Provider may charge interest on overdue accounts at a rate of interest which is one percent higher than the rate of interest payable by the Service Provider to its bank for an overdraft.
- (q) The date on which the payment of interest on arrear accounts will come into effect shall be the day after the due date of the account.
- (r) The meter reading period shall be as close to 30 days as possible within the bounds of practical considerations.
- (s) Where there is an incline or decline tariff applicable, it will be applied to the electricity used during a month where a conventional meter is available, or it will be applied to the electricity purchased during a month where a prepaid meter is available.
- (t) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Service Provider, in respect of the said property, in order to obtain such certificate.

- (u) The Service Provider may charge interest on overdue accounts at a rate of interest as determined by the Service Provider from time to time.
- (v) The date on which the payment of interest on arrear accounts will come into effect shall be the eighth day of the month if this day is a week day or the first week day after the eighth if the eighth falls on a weekend or a public holiday.
- (w) The consumer is also eligible to interest on an over-paid account, if it was over-paid due to the Service Provider's mistake.

Resale of Electricity

- (a) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.
- (b) Unless otherwise authorised by the Service Provider, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Service Provider, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Service Provider.
- (c) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Service Provider. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.

Right to Disconnect Supply

- (a) The Service Provider shall have the right to disconnect the supply of electricity to any premises without notice under the following circumstances:
 - (i) where the person liable to pay for such supply fails to pay any charge due to the Service Provider in connection with any supply of electricity which he/she may at any time have received from the Service Provider in respect of such premises; or
 - (ii) where the Service Authority has requested the Service Provider to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
 - (iii) where any of the provisions of this by-law and/or the Regulations are being contravened; or
 - (iv) where in the opinion of the Service Provider there is a case of grave risk to person or property; or
 - (v) where tampering with the service connection or supply mains has occurred; or
 - (vi) where the Service Authority has requested the Service Provider to disconnect the supply of electricity for reasons of community safety.
- (b) Where any of the provisions of this by-law and/or the Regulations are being contravened, the Service Provider should give the person 7 (seven) days notice to remedy his/her default prior to disconnection.
- (c) After disconnection the fee as prescribed by the Service Provider shall be paid.
- (d) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Service Provider, or in the case where the Service Provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Service Provider

The *Service Provider* shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuance of the supply of electricity, unless caused by negligence on the part of the *Service Provider*.

Leakage of Electricity

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of Supply

The *Service Provider* does not undertake to attend to a failure of supply due to a fault in the electrical installation of the *Consumer*, except when such failure is due to the operation of the service protective device of the *Service Provider*. When any failure of supply is found to be due to a fault in the electrical installation of the *Consumer* or to the faulty operation of apparatus used in connection therewith, the *Service Provider* shall have the right to charge the consumer the fee as prescribed by the *Service Provider* for each restoration of the supply in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Lines, Meters and Other Apparatus are not Fixtures

Any lines, meters, fittings, works or apparatus belonging to the *Service Provider* and lawfully placed or installed in or upon any premises not in its possession shall, whether or not fixed to any part of such premises, remain the property of and may be removed by the *Service Provider*, and shall not be subject to the landlord's hypothec for rent of such premises, and are not liable to be taken in execution under any process of law or any proceedings in insolvency or liquidation against the owner or occupier of such premises.

Seals, Locks and Meters of the Service Provider

The meter, service protective devices and all apparatus belonging to the *Service Provider* shall be sealed or locked by a duly authorised official of the *Service Provider*, and no person not being an official of the *Service Provider* duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals, locks or meters.

Tampering with Service Connection or Supply Mains

- (a) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or service connection or service protective device or supply mains or any other equipment of the *Service Provider*. (Offences regarding essential infrastructure may be handled according to the Criminal Matters Amendment Act, Act 18 of 2015)
- (b) Where prima facie evidence of tampering exists, or where metering equipment has been damaged or by-passed, such damage, by-pass or tampering shall be presumed to have been caused by the consumer, unless the contrary is proved, and the *Service Provider* shall have the right to disconnect the supply immediately and without prior notice to the consumer. The consumer shall be liable for all cost of repair to the *Service Provider*'s equipment so damaged in addition to the appropriate fees and charges levied by the *Service Provider* for such disconnection and the *Service Provider* shall have the right to reinstate the supply only during office hours, after the prescribed fees and charges have been paid by the consumer.
- (c) In cases where the tampering or by-passing has resulted in the metering recording less than the true consumption, the *Service Provider* shall have the right to recover from the consumer the full cost of his/her estimated consumption.
- (d) If the Engineer decides that it is necessary or desirable to take special precautions to prevent tampering with any portion of the supply mains, service connection or meter, or to prevent the unauthorised consumption of electricity, he may either require the consumer to take the necessary precautions or pay the cost incurred where such action is taken by the engineer.
- (e) Reconnection fee will be levied on all Tampered installations and is included in the Tariffs.
- (f) If the Engineer decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or meter, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the *Service Provider*.

Protection of Electrical Distribution System

- (a) No person shall, except with the consent of the Engineer and subject to such conditions as may be imposed-
 - (i) construct, erect or lay any building or structure or other object over or in such a position or in such a manner as to interfere with or endanger the electrical distribution system
 - (ii) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system.
 - (iii) Damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system.
 - (iv) Make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electricity there from.
 - (v) The cost of any such work carried out by the Service Provider which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.
- (b) The Engineer may: -
 - (i) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law
 - (ii) fill in and make good any ground excavated or removed in contravention with this by-law
 - (iii) repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law; and
 - (iv) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Unauthorised Connections

No person other than a person specifically authorised thereto by the *Service Provider* in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised Re-connections

- (a) No person other than a person specifically authorised thereto by the Service Provider in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.
- (b) Where the supply that has previously been disconnected, and found to be re-connected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply was found to be re-connected and any other charges raised in this regard.
- (c) The effected consumer shall immediately report any illegal re-connections of that consumer's supply, to the Service Provider.

Temporary Disconnection and Re-connection

- (a) The Engineer shall, at the request of the consumer, temporarily disconnect and reconnect the supply to the consumer's electrical installation upon payment of the fee as prescribed by the Service Provider for each such disconnection and subsequent reconnection.
- (b) In the event of the necessity arising for the Engineer to affect a temporary disconnection and reconnection of the supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Engineer shall waive payment of the fee hereinbefore referred to.
- (c) The Engineer may only under exceptional circumstances temporarily disconnect the supply to any premises without notice, for the purpose of affecting repairs or carrying out tests or for any other legitimate purpose. In all other instances, adequate notice shall be given.

Temporary Supplies

- (a) Temporary supplies of electricity shall only be valid for three months after which the consumer needs to re-apply for extension of time.
- (b) It shall be a condition of the giving of any temporary supply, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Engineer shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, neither the Service Provider nor the Engineer shall be liable for any loss or damage occasioned by the consumer by such termination.

Temporary Work

Electrical installations requiring a temporary supply shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Engineer. Full information as to the reasons for the nature of such temporary work shall accompany the application for the aforesaid permission, and the Engineer may refuse such permission or may grant the same upon such terms and conditions as may to him appear desirable and necessary.

Load Reduction

- (a) At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Service Provider, the Engineer may without notice interrupt and, for such period as the Engineer may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. Neither the Service Provider, nor the Engineer shall be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (b) The Service Provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (a) and the Engineer or any duly authorised official of the Service Provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (c) Notwithstanding the provisions of sub-section (b), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Engineer may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (b).

H.V. Switchgear and Equipment

- (a) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider, be paid for by the consumer.
- (b) All such equipment installed on the consumer's premises shall be compatible with the Service Provider's electrical performance standards
- (c) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Service Provider's System Control Centre.
- (d) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
- (e) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Service Provider or any duly authorised official of the Service Provider.

L.V. Switchgear and Equipment

- (a) In cases where a supply is given at L.V., the supply and installation of the switchgear, cables and equipment forming part of the service connection up to the meter installation shall, unless otherwise approved, paid for by the consumer will be transferred to the service provider who will become the sole owner of the equipment who needs to repair and maintain it in good order.

- (b) In case of the L.V. supply, all such equipment shall be approved by the _____ Engineer in writing and installed by or under the supervision of the Engineer.
- (c) In the case of an L.V. supply, the consumer shall provide and install an approved L.V. main switch and/or any other equipment required by the Engineer.

Transformer Substation Accommodation

- (a) The Engineer may, on such conditions as may be deemed fit, require the owner to provide and maintain approved accommodation in a position approved by the Engineer, which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing. M.V. cables and switchgear, transformers, L.V. cable and switchgear and other equipment necessary for the supply requested by the applicant.
- (b) The Service Provider reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation shall be provided by the applicant at the cost of the applicant, owner or authorised user.

Wiring Diagram and Specification

- (a) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Engineer in duplicate for approval before the work commences.
- (b) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from H.V. or from one of the substations of the Service Provider through mains separate from the general reticulation system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Engineer for his written approval before any material in connection therewith is ordered.

Standby Supply

- (a) No person shall be entitled to a standby supply from the Service Provider for any premises having a separate source of electricity supply except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Engineer.
- (b) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Engineer.
- (c) Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (d) The electricity generation equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment.
- (e) The position of the installed generating equipment shall not interfere with the supply mains the generating equipment must be installed entirely on the consumer's premises.
- (f) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
- (g) Where by special agreement with the Service Provider, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Service Provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Engineer.
- (h) Under normal operating conditions, any export of surplus energy from the consumer to the Service Provider's network shall be subject to special agreement with the Service Provider.
- (i) In the event of a general power failure on the service provider's network protection equipment shall be installed by the consumer, subject to the Engineer's approval, so as to ensure that the consumer's installation is isolated from the Service Providers network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

Consumer's Emergency Standby Supply Equipment

- (a) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Service Provider. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (b) Where by special agreement with the Service Provider, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Service Provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Service Provider.

Installation Circular Letters / Technical Standards

The Engineer may from time to time issue Installation Circulars (or Technical Standards) to all contractors and/or consulting engineers and/or architects detailing the requirements of the Service Provider regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

Liability for Damage to Service Connection or Service Provider Equipment

- (a) The owner of the premises or the consumer shall be liable to make good to the Service Provider any damage that may occur to the service connection or any part thereof or to any other Service Provider apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Service Provider.
- (b) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the Service Provider as soon as he becomes aware of the fact and the Service Provider or a person authorized by him shall repair the damage.

SECTION 3 RESPONSIBILITIES OF CONSUMERS

Consumer to Erect and Maintain Electrical Installation

Any High voltage electrical installation connected or to be connected to the supply mains, and any additions or amendments thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the regulations and be made accessible to the Service Provider for inspection on his request.

Fault in Electrical Installation

- (a) If any fault develops in the electrical installation which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Service Provider and shall immediately take steps to remedy the fault.
- (b) The Engineer may require the consumer to reimburse the Service Provider for any expense incurred in connection with a fault in the electrical installation.

Discontinuance of Use of Supply

In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the *Service Provider*, failing which he shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of Occupier

- (a) In the case of a change of occupier, the consumer who is leaving shall give the Service Provider not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.
- (b) If the new occupier desires to continue using the electricity supply, he shall make application in accordance with the provisions of Section 4 of this by-law. If the new occupier fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply shall be disconnected, and the new occupier shall be liable to the Service Provider for the electricity supply from the date of occupation till such time as the supply is so disconnected.
- (c) Where premises are fitted with pre-payment meters the Consumer occupying the premises at that time shall be deemed to be the Consumer (as defined). Should this Consumer fail to make application for an electricity supply (in terms of section 4) he will be liable for all charges and fees owed to the Service Provider for that metering point as well as all outstanding charges and fees whether accrued by that Consumer or not, until such time as an application for supply is received by the Service Provider.

Service Apparatus

- (a) The consumer shall be liable for all costs to the Service Provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Service Provider or caused by an abnormality in the supply of electricity to the premises.
- (b) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Service Provider and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing them.
- (c) Where there is a common metering position, the liability detailed in subsection (a) shall devolve on the owner of the premises.
- (d) A certificate by the Engineer reflecting the amount due in terms of sub section (a) shall be prima facie evidence of the information therein contained.

SECTION 4 SPECIFIC CONDITIONS OF SUPPLY

Service Connection

- (a) The consumer shall bear the cost of the service connection, as determined by the Service Provider.
- (b) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Service Provider, shall vest in the Service Provider, the Service Provider shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Service Provider nor the Service Provider in respect of such service connection.
- (c) The work to be carried out by the Service Provider at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Engineer.
- (d) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Engineer.
- (e) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches and fastenings as may be required by the Engineer for the installation of the service connection.

- (f) The conductor used for the service connection shall have a cross-sectional area of not less than 16 mm² and shall be of copper or copper equivalent, and all conductors shall have the same cross-sectional area, unless otherwise approved by the Engineer.
- (g) Unless otherwise approved, the Service Provider shall only provide one service connection to each registered erf.
- (h) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Service Provider.
- (i) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall remain visible throughout their length.
- (j) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings.

Metering Accommodation

- (a) The consumer shall, if required by the Service Provider or any duly authorised official of the Service Provider, provide accommodation in an approved position, the meter board and adequate conductors for the Service Provider's metering equipment, service apparatus and protective devices. Such accommodation includes any building or meter box. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Service Provider, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of ALL meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of meters.
- (b) Where sub-metering equipment is installed, accommodation separate from the Service Provider's metering equipment shall be provided.
- (c) The consumer or, in the case of a common meter position, the owner of the premises shall, if required by the Engineer, provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (d) Where in the opinion of the Engineer the position of the meter, service connection and protective devices are no longer readily accessible or becomes a cause of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (e) The accommodation for the Service Provider's metering equipment and protective devices may not have any other apparatus than that used in connection with the supply and use of electricity shall be installed or stored in such accommodation.

SECTION 5 SYSTEMS OF SUPPLY

Load Requirements

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

Load limitations

- (a) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply, unless otherwise approved by the Engineer.
- (b) Where a three-phase four-wire supply is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Engineer.
- (c) No-current consuming appliance, inherently single phase in character, with a rating which exceeds 15 kVA shall be connected to the electrical installation without the prior approval of the Engineer.

Interference with Other Persons' Electrical Equipment

- (a) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (b) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (c) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her cost install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Limited Size for L.V. Motors

Unless otherwise approved by the Engineer, the rating of an L.V. single-phase motor shall be limited to 2 kW and/or the starting current shall not exceed 70 A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

Maximum Starting and Accelerating Currents of Three-phase Alternating Current Motors

Unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider the rating of motors shall be limited as in the City of Mbombela Technical Specifications.

Consumers Supplied at Low Voltage

In an installation supplied at low voltage, unless otherwise required by the Engineer, the starting current of an L.V. motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for M.V. motors shall be subject to the approval of the Engineer.

Power Factor

- (a) If required by the Engineer, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (b) Where for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (c) The consumer shall, at his/her own cost, install such corrective devices.

Protection

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over-current and single phasing, where applicable.

Declared Voltage

The declared voltages are as in the City of Mbombela Technical Specifications.

SECTION 6
MEASUREMENT OF ELECTRICITY

Metering

- (a) The Service Provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide and install appropriately rated metering equipment at the point of metering for measuring the electricity supplied. The choice of meter type and class shall be the prerogative of the Service Provider.
- (b) Dependent on the availability of advanced metering infrastructure and smart meters, the Council shall have the discretion to pilot or implement this new type of technology.
- (c) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Service Provider and read at the end of such period except where the metering equipment is found to be defective, in which case the consumption for the period shall be as prescribed by the tariff By-Laws.
- (d) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (e) The Engineer reserve the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the whole, or for individual units, or for groups of units.
- (f) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Engineer.

Accuracy of Metering

- (a) A meter must be presumed conclusively to be registering accurately if its measurement error, when tested in the manner prescribed in (h), is found to be within the limits of measurement error as provided for in the applicable standard specifications.
- (b) If a consumer or owner has reason to believe that a meter is not registering correctly, the consumer or owner may request the Service Provider in writing to have the meter tested. Such request must be accompanied by the fee prescribed in the schedule of tariffs for the testing of the meter, and the Service Provider shall as soon as possible thereafter test the meter. The fee shall be refunded if the meter is shown by the test to be registering incorrectly.
- (c) The Service Provider shall, immediately before removing a meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.
- (d) The Service Provider's finding as to the accuracy of a meter after the test referred to in 58 (c) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in the applicable standard specifications.
- (e) If after testing a meter, the Service Provider is satisfied that the meter is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with 58.
- (f) The Service Provider shall have the right to test its metering equipment. If it is established by a test or otherwise that such metering equipment is defective, the Service Provider shall –
 - (i) in the case of a credit meter, adjust the account rendered
 - (ii) in the case of prepayment meters, render an account where the meter has been under-registering, or issue a free token where the meter has been over-registering; in accordance with (i).
- (g) In case of a dispute, the consumer shall have the right to request the Service Provider to have the metering equipment under dispute tested at his own cost by an independent tester, accredited by the South African Accreditation Services and the result of such test shall be final and binding on both parties.
- (h) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (i) When an adjustment is made to the electricity consumption registered on a meter in terms of (b) or (f), the adjustment must be based either on the percentage error of the meter as determined by the test referred to in (h) or on a calculation by the Service Provider from consumption data in the Service Provider's possession. Where applicable and where possible, due allowance must be made for seasonal or other variations that may affect the consumption of electricity.
- (j) If any omission, calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 36 months preceding the date on which the error in the accounts was discovered, shall be free of interest up to date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period under review.
- (k) Prior to the Service Provider making any upward adjustment to an account in terms of 59(i), the Service Provider must:
 - (i) notify the consumer in writing of the monetary value of the adjustments to be made and the reasons for the adjustment;
 - (ii) in the notice, provide sufficient particulars to enable the consumer to submit representations on the adjustment; and

- (iii) in the notice, call on the consumer to provide the Service Provider with reasons, if any, in writing why the consumer's account should not be adjusted as notified, and these reasons must be submitted to the Service Provider within 7 days or within a longer period that the Service Provider may permit.
- (l) The Service Provider must consider any reasons provided by the consumer in terms of (k) (i) to (iii) and must, if satisfied that a valid case exists, adjust the account accordingly.
- (m) Should the consumer fail to make any representations during the prescribed period or should the Service Provider not be satisfied that a case exists for the variation of the account, the Service Provider is entitled to adjust the account as notified in terms of 59(k) (i).
- (n) If a duly authorized official of the Service Provider decides after having considered the representations made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of 59 (i), the Service Provider shall be entitled to adjust the account as notified in terms of 59 (k) (i) subject to the consumer's right to appeal the decision of the Service Provider representative in terms of the Municipal Systems Act, Act 32 of 2000.
- (o) When the Service Provider is satisfied that a prepayment meter has ceased to register correctly, the prepayment meter must be replaced immediately and any credits still registered in favour of the consumer on the faulty meter must be carried over to the new prepayment meter.

Reading of Conventional Meters

- (a) The reading shown by a non-automatically read meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Service Provider's records shall be prima facie proof that the meter showed the reading which the entry purports to record.
- (b) For the purpose of recording the consumption of electricity, the reading of meters may be done electronically or manually depending on the type of installation.
- (c) Meters read electronically (automatic meter reading) shall be read at specified intervals (30 minutes) for a whole month depending on the number of days in the specific month.
- (d) The meter reading shown by an automatic meter reading meter is monthly based and not accumulative. Therefore, for recording purposes for an automatic meter reading meter the account for electricity supplied to any premises during any meter reading period shall be taken as follows: the consumption for the specific calendar month shall be added to the last reading shown on the account and such total shall be subtracted from the last recorded reading in the account to provide a consumption for accounting purposes; where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.
- (e) In the case of manual meter reading the account for electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading. A multiplication factor will be applied to the reading where applicable.
- (f) Unless otherwise prescribed, credit meters must be read at fixed cycles of approximately one month, and the fixed or minimum charges due in terms of the tariff must be assessed accordingly. The Service Provider shall not be obliged to affect any adjustments to the charges. The minimum number of meter readings per annum must be in accordance with the applicable standards specification.
- (g) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the Service Provider at a time other than the date set aside by the Service Provider for that purpose, a charge determined by the Service Provider shall be payable by such consumer for such reading.
- (h) If for any reason a meter cannot be read, the Service Provider may render an estimated account. The energy consumption shall be adjusted in a subsequent account in accordance with the actual energy consumption.
- (i) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (j) No person may influence or try to influence or interfere with the metering process.

Prepayment Metering

- (a) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

- (b) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (c) 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.
- (d) The Service Provider 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, prepayment meters and/or tokens.
- (e) Where a consumer is indebted to the Service Provider for electricity consumed or for any other service supplied by the Service Provider (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Service Provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Provider, as set out in the section 4 of the agreement for the supply of electricity.
- (f) The Service Provider may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

SECTION 7 ELECTRICAL CONTRACTORS

Electrical Contractors

In addition to the requirements of the regulations the following requirements shall apply:

- (a) Where an application for an new or increased supply of electricity has been made to the Service Provider the Engineer may at his discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Engineer, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (b) The examination, test and inspection that may be carried out at the discretion of the Service Provider in no way relieves the electrical contractor/accredited person or the user, - or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Service Provider shall be held responsible for any defect or fault in such electrical installation.
- (c) The Service Provider shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8 COST OF WORK

Cost of Work

The Service Provider may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Service Provider which was

necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

SECTION 8 PENALTIES

Penalties

- (a) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or, in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R100 for every day during the continuance of such offence after a written notice from the Service Provider has been issued, or, in default of payment, to imprisonment for a period not exceeding 30 days, and for a second or subsequent offence liable on conviction to a fine not exceeding R5000 or, in default of payment, to imprisonment for a period not exceeding six months.
- (b) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Service Provider as the case may be for any loss or damage suffered or sustained by it in consequence of such breach.
- (c) The occupier, as defined in section 1, shall be guilty of a contravention under section 26 unless he proves the contrary on a balance of probabilities.

Magistrate Court Jurisdiction

The Magistrate Court shall have jurisdiction in all matters pertaining to this By-Law.

Repeal of By-Laws

The Standard Electricity By-Laws published under Administrators Notice 1959, dated 11 SEPTEMBER 1985, as amended, are repealed in their entirety.

Commencement Date

These by-laws take effect on the date of publication thereof by the Service Provider by proclamation in the Provincial Gazette.



CITY OF MBOMBELA

PROPERTY RATES BY-LAW

(FORMER MBOMBELA LOCAL MUNICIPALITY)

[COUNCIL RESOLUTION: A (1) OF 28 JUNE 2017]

PROPERTY RATES BY LAW (FORMER MLM)

CITY OF MBOMBELA**PROPERTY RATES BY-LAW**

The City of Mbombela ("the municipality"), in terms of section 6 of the Local Government: Municipal System Act no.32 of 2000 as amended, has by way of Council resolution A (1) of 28 June 2017 adopted the Municipality's Property Rates By-laws set forth hereunder.

TABLE OF CONTENTS**PREAMBLE**

1. DEFINITIONS
2. ADOPTION OF BY-LAW
3. CONTENTS OF THE RATES POLICY
4. RATING OF PROPERTY
5. FUNDAMENTAL PRINCIPLES OF THIS BY-LAW
6. ANNUAL OPERATING BUDGET
7. DIFFERENTIAL RATING
8. CATEGORIES OF PROPERTIES FOR PURPOSES OF DIFFERENTIAL RATES
9. CATEGORIES OF OWNERSHIP FOR PURPOSES OF EXEMPTIONS, REDUCTIONS AND REBATES
10. RELIEF MEASURES FOR PROPERTY OWNERS AS PROVIDED FOR IN THE ACT
11. CERTIFICATE OF OCCUPANCY
12. MULTIPLE PURPOSE PROPERTIES
13. COMMUNITY PARTICIPATION
14. RECOVERY AND PAYMENT OF RATES
15. QUARIES
16. OBJECTIONS
17. REVIEW OF THIS BY-LAW
18. SHORT TITLE
19. IMPLEMENTATION DATE

PREAMBLE

- (1) Section 229(1) of the Constitution authorizes a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.
- (2) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on ratable property in the municipality.
- (3) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- (4) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of

PROPERTY RATES BY LAW (FORMER MLM)

section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

1 DEFINITIONS

Any words and phrases in this by-law shall have the same meaning and interpretation as assigned in terms of the said Municipal Property Rates Act and for this purpose lists hereunder the definitions used in the Act to be mutatis mutandis applied by this by-law, unless the context indicates otherwise:

Act:	Means the Local Government: Municipal Property Rates Act (Act 6 of 2004).
Actual Use:	Means actual activities that are taking place on the property.
Agent:	In relation to the owner of a property, means a person appointed by the owner of the property: (a) to receive rental or other payments in respect of the property on behalf of the owner; or (b)
Agricultural purposes:	means property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of eco-tourism or for the trading in or hunting of game;
Annually:	Means once every financial year.
Category:	(a) in relation to property, means a category of property contemplated in section 7 of these By-laws; and (b) in relation to owners of property, means a category of owners of property contemplated in section 8 of these By-laws.
Child Headed Households:	Means a household recognized as such in terms of section 137 of the Children's Amendment Act, 41 of 2007.
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; and (c) of any notice rendered, sent, delivered or published to a ratepayer or customer in terms of this By-law or any other law;
Co-owner:	Means –

	<p>(a) any two or more persons who hold any property, whether jointly, in undivided shares or in any form of communal land tenure;</p> <p>(b) any beneficial owners of any trust property vested in any non-beneficial owners;</p> <p>(c) any member of any association of persons or other legal entity the object of which association is the acquisition or holding of any property; or</p> <p>(d) the owners of any property subject to a sectional plan.</p>
Community Services:	Means any services which the expenditure of rendering of such service is financed from the revenue generated from property rates.
Council:	Means the Council of the City of Mbombela.
Date of Evaluation:	Means the date determined by the Municipality in terms of section 31(1) of the Act.
Disabled people:	Means a person who qualifies to receive relief in terms of the Social Services Act, 59 of 1992 or has been certified as disabled by a medical practitioner.
Disaster:	Means a disaster within the meaning of the Disaster Management Act, 57 of 2002; or any other serious adverse social or economic condition.
Effective date:	<p>(a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32(1); or</p> <p>(b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78(2)(b);</p>
Exclusion:	In relation to a municipality's rating power, means a restriction of that power as provided for in section 17;
Exemption:	In relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15;
Financial year:	Means the period starting from 1 July in a year to 30 June the next year;
Income Tax Act:	Means the Income Tax Act, 1962 (Act No. 58 of 1962).
Indigent household:	Means an owner of property who is in permanent occupation of the property and qualifies for indigent relief in terms of the municipality's indigent policy, shall include state pensioner, child-headed households, disabled people, household without income or with income that falls within a certain threshold and medical boarded people.
Illegal Use:	where any person uses land or buildings or causes it to be used in conflict with the provisions of the town planning scheme in operation.

- Land reform beneficiary:** In relation to a property, means a person who—
- (a) acquired the property through—
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No. 28 of 1996); or
 - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution be enacted after this Act has taken effect;
- Land tenure right:** Means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991);
- Local community:** In relation to a municipality—
- (a) means that body of persons comprising—
 - (i) the residents of the municipality;
 - (ii) the ratepayers of the municipality;
 - (iii) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and
 - (iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality; and
 - (b) includes, more specifically, the poor and other disadvantaged sections of such body of persons;
- Local Municipality:** Means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality;
- Market Value:** In relation to a property, means the value of the property determined in accordance with section 46.
- Municipality:** Means the City of Mbombela.
- Municipal Finance Management Act:** Means the Local Government: Municipal Finance Management Act, 2003
- Municipal Manager:** Means a person appointed in terms of section 82 of the Municipal Structures Act.
- Newly ratable property:** Means any ratable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding—
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and

- (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- Non-profit Organization:** Means any organization which is registered in terms of the Non-profit Organizations Act.
- Occupier:** In relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property.
- Organ of State:** Means an organ of state as defined in section 239 of the Constitution.
- 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 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; or
- (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", provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:
- (i) A trustee, in the case of a 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 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 property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a 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 a municipality and is leased by it;
 - (viiA) a lessee in the case of property to which a land tenure right applies and which is leased by the holder of such right; or
 - (viii) a buyer in the case of a property that was sold by a municipality and of which possession was given to the

buyer pending registration of ownership in the name of the buyer;

(e) in relation to a time sharing interest contemplated in the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of the Property Time-sharing Control Act, 1983, and published in Government Notice R327 of 24 February 1984;

(f) in relation to a share in a share block company, the share block company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980);

(g) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f), means the holder of the mining right or the mining permit;

(h) 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; or

Permitted use:

In relation to a property, means the limited purposes for which the property may be used in terms of:

- (a) any restrictions imposed by:
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
- (b) any legislation applicable to any specific property or properties; or
- (c) any alleviation of any such restrictions;

Person:

Means natural and legal person including an organ of state.

Prescribe:

Means prescribe by regulation in terms of section 83;

Privately owned township: Means single properties, situated in an area not ordinary being serviced by the Municipality, divided through sub-divisions or township establishment units (ten or more) full title stands and/or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate or township.

Property:

Means:

- (a) immovable property registered in the name of a person, including, in the case of a 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, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

- (d) public service infrastructure;
- Property Register:** Means a register of properties referred to in section 23 of the Act.
- Protected Areas Act:** Means the National Environmental Management: Protected Areas Act, 2003;
- 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 No. 1 of 1999);
 - (b) a municipality; or
 - (c) a municipal entity as defined in the Municipal Systems Act;
- Public service Infrastructure:** Means publicly controlled infrastructure of the following kinds:
- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
 - (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
 - (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
 - (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
 - (e) railway lines forming part of a national railway system;
 - (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
 - (g) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;
 - (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
 - (i) any other publicly controlled infrastructure as may be prescribed; or
 - (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).
- Public service purposes:** In relation to the use of a property, means property owned and used by an organ of state as:
- (a) hospitals or clinics;
 - (b) schools, pre-schools, early childhood development centres or further education and training colleges;
 - (c) national and provincial libraries and archives;
 - (d) police stations;
 - (e) correctional facilities; or

(f) courts of law,
but excludes property contemplated in the definition of 'public service infrastructure.

Rate (s): Means a municipal rate on property envisaged in section 229(1)(a) of the Constitution;

Rates Policy:

Ratable property: Means property on which a municipality may in terms of section 2 levy a rate, excluding property fully excluded from the levying of rates in terms of section 17;

Ratio: In relation to section 19, means the relationship between the cent amount in the Rand applicable to residential properties and different categories of non-residential properties: Provided that the two relevant cent amounts in the Rand are inclusive of any relief measures that amount to rebates of a general application to all properties within a property category.

Rebate: In relation to a rate payable on a property, means a discount granted in terms of section 15 on the amount of the rate payable on the property;

Reduction: In relation to a rate payable on a property, means the lowering in terms of section 15 of the amount for which the property was valued and the rating of the property at that lower amount.

Register:

- (a) means to record in a register in terms of—
 - (i) the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
 - (ii) the Mining Titles Registration Act, 1967 (Act No. 16 of 1967); and
- (b) includes any other formal act in terms of any other legislation to record—
 - (i) a right to use land for or in connection with mining purposes; or
 - (ii) a land tenure right;

Residential property: Means a property included in a valuation roll in terms of section 48(2)(b) of the Act in respect of which the primary use or permitted use is for residential purposes.

Sectional Titles Act: Means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

Sectional Title Scheme: Means a scheme defined in section 1 of the Sectional Titles Act.

Smallholding: Means a property recorded in the Deeds Register Registry Database as being an erf and zoned for Agricultural usage in terms of an adopted Town Planning Scheme.

Sectional Title Unit: Means a unit defined in section 1 of the Sectional Titles Act;

Specified public

- benefit activity:** Means an activity listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act;
- State trust land:** Means land owned by the state:
- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
 - (b) over which land tenure rights were registered or granted; or
 - (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

2 ADOPTION OF BY LAWS

- 2.1 These By-laws are adopted in terms of section 6 of the Local Government: Municipal Property Rates Act, 6 of 2004 ("the Act") to give effect to the implementation of the Policy.
- 2.2 The Council of the municipality shall adopt by majority vote and implement a rates policy consistent with the Act on the levying of rates on rateable property within the jurisdiction of the municipality;
- 2.3 The Council must, in terms of section 5(1) of the Act, annually review, and may, if necessary, amend its Policy. Proposals for reviewing its Policy must be considered by the Council in conjunction with its annual operating budget.
- 2.4 The Policy is hereby incorporated by reference in the By-laws. All amendments to the Policy as the Council may approve from time to time shall be deemed to be likewise incorporated.
- 2.5 The municipality shall not be entitled to levy rates other than in terms of its rates policy.
- 2.6 These By-laws ascribe to the objectives set out in the Policy.

3 CONTENTS OF THE RATES POLICY

The rates policy shall, *inter alia*:

- 3.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 3.2 Comply with the requirements for:
- 3.2.1 The adoption and contents of a rates policy specified in section 3 of the Act;
 - 3.2.2 The process of community participation specified in section 4 of the Act; and

PROPERTY RATES BY LAW (FORMER MLM)

3.2.3 The annual review of a rates policy specified section 5 of the Act.

- 3.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 3.4 Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal System Act, 2000 (Act no. 32 of 2000) as amended.

4 RATING OF PROPERTY

- 4.1 In terms of Section 2(3) of the Act, the Council may levy rates on property subject to:
- 4.1.1 Section 229 and any other applicable provisions of the Constitution of the Republic of South Africa, 1996;
- 4.1.2 The provisions of the Act;
- 4.1.3 The Policy; and
- 4.1.4 These By-laws.

5 FUNDAMENTAL PRINCIPLES OF THIS BY-LAW

- 5.1 These By-laws must be read in conjunction with the provisions of:
- 5.1.1 Any applicable Town Planning Scheme;
- 5.1.2 The Town Planning and Townships Ordinance 25 of 1965;
- 5.1.3 The Town Planning and Townships Ordinance 15 of 1986;
- 5.1.4 Any other legislation pertaining to the use of property; and
- 5.1.5 Any applicable policy of the Council.
- 5.2 The power of the municipality to impose rates on property within its area will not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities or the national mobility of goods, services, capital or labour as prescribed in terms of Section 229 of the Constitution of the Republic of South Africa;
- 5.3 The Policy must ensure equitable treatment by the Council in the levying of rates on property owners, including owners under sectional title as contemplated in the Sectional Titles Act, as well as other persons who may become liable for the

PROPERTY RATES BY LAW (FORMER MLM)

payment of rates.

- 5.4 Property rates will be assessed on the market value of all ratable properties in the jurisdiction of the municipality and for the purpose of generating revenue to balance the budget after taking into account:
- 5.4.1 Profits generated on trading and economic services; and
- 5.4.2 The amounts required to finance exemptions, rebates and reductions of rates as approved by the municipal council from time to time;
- 5.5 Rates are levied in accordance with the Act as an amount in the Rand based on the market value of all ratable property as reflected in the valuation roll and any supplementary valuation roll, as contemplated in Chapters 6 and 8, respectively, of the Act.
- 5.6 Different rates may be levied for different categories of property.
- 5.7 The Council may, in terms of section 22 of the Act, levy an additional rate on property in a special rating area and, in doing so, may differentiate between categories of property;
- 5.8 Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of exemption, rebate or reduction.
- 5.9 Where the rates levied on a property are based on a supplementary valuation made in terms of section 78(1) of the Act, such rate will be payable from the date contemplated in section 78(4) of the Act.
- 5.10 The Council shall specify a threshold at which rating in respect of residential properties may commence as provided for in section 15(1)(a) of the Act, which it is hereby authorised to do.
- 5.11 Property rates will not be used to subsidize trading and economic services.
- 5.12 The rates income generated by the municipality will take into account relief measures to address the social and economic needs of the community;
- 5.13 This By-Law and amendment thereof will be developed in consultation with the community and in compliance with a process of community participation in terms of Chapter 4 of the Municipal Systems Act.

6 ANNUAL OPERATING BUDGET

- 6.1 The Council must consider the levying of rates annually during the budget process referred to in section 12(2) of the Act. Rates will be based on the market value of all ratable property and the amount required by the Council to balance its annual

PROPERTY RATES BY LAW (FORMER MLM)

operating budget.

- 6.2 Rate increases must be used to finance the increase in operating costs of municipal services and facilities.
- 6.3 The Policy must set out the criteria to be applied when determining the level of increases in rates.

7 DIFFERENTIAL RATING

- 7.1 The Council levies different rates for different categories of ratable property in terms of section 8 of the Act. All ratable property will be classified in a category and will be rated based on the category of the property from the valuation roll, which is based on the primary permitted use of the property unless otherwise stated.

8 CATEGORIES OF PROPERTY FOR PURPOSES OF DIFFERENTIAL RATES

- 8.1 For the purposes of differential rates, the following categories of ratable property have been determined, being:

8.1.1 Residential Property

Means improved property that:

- (a) Is used for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes;
- (b) Is a unit registered in terms of the Sectional Title Act and used for residential purposes.

For the purpose of the rates policy, the following are excluded as residential purposes

Hotels

Guesthouses and Lodges

Time share units used for holiday purposes

8.1.2 Business Property

Means property that is used for business, commercial and industrial purposes.

8.1.3 Agricultural Property

Means a property used for bona fide agricultural purposes in which the property owner deriving his principal source of income from the produce of the land on such property. Agricultural/farming property not used for bona fide agricultural/farming

purposes shall be rated according to the actual use thereof.

8.1.4 State or Government Property

Means property owned and used by the state excluding the kinds of publicly controlled infrastructure listed in the definition of Public Service Infrastructure.

8.1.5 Public Service Infrastructure

Means a property as defined by the Act.

8.1.6 Public Benefit Organization Property

Means property owned by public benefit organizations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act

8.1.7 Rural Communal Land

Means the residual portion of a rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

8.1.8 State Trust Land

Means land owned by the state:

- (a) In trust for persons communally inhabiting the land in terms of a traditional system of a land tenure;
- (b) Over which land tenure rights were registered or granted; and
- (c) Which is earmarked for disposal in terms of the Restitution of Land Rights.

8.1.9 Municipal property

In relation to property shall mean those properties owned & exclusively used by the municipality;

8.1.10 Places of Public Worship

Means a property registered in the name of and used primarily as a place of worship by a religious community, including an official residence registered in the name of that community which is occupied by an office bearer of that community who officiates at the services at that place of worship;

8.1.11 Protected area

Means an area that is, or has to be, listed in the register referred to in Section 10 of the Protected Areas Act.

8.1.12 Other property

Means any property determined by the Municipality, which is not associated with any of the categories of property listed above.

8.2 The basis of categorization of properties for rating purposes does not permit any illegal usage of such properties.

8.3

9 CATEGORIES OF OWNERSHIP FOR PURPOSES OF EXEMPTIONS, REDUCTIONS AND REBATES

9.1 The Policy must, for purposes of exemptions, reductions and rebates, provide for different categories of ownership, which may include, but are not limited to, the following:

9.1.1 Residential properties owned and occupied by natural persons who have limited income and who are not pensioners but can show that his or her annual income falls below the limit determined by Council from time to time;

9.1.2 Residential properties owned and occupied by natural persons who are dependent on social assistance in terms of the Social Assistance Act 59 of 1992 as their sole source of income;

9.1.3 Residential properties owned and occupied by pensioners who are not persons contemplated in subparagraph (b), provided that the total income of the household does not exceed the limits determined by Council from time to time;

9.1.4 Property owned by organisations which in the opinion of and to the satisfaction of the Council, care for the aged and use the property for such purpose;

9.1.5 Property owned by institutions which provide education and / or student accommodation at –

9.1.5.1 Public schools;

9.1.5.2 Independent schools;

9.1.5.3 Universities; and

9.1.5.4 Technical and other colleges;

9.1.6 Property owned by public benefit organisations approved in terms of section 30

PROPERTY RATES BY LAW (FORMER MLM)

of the Income Tax Act 58 of 1962, read with Items 1, 2 and 4 of the Ninth Schedule to that Act;

- 9.1.7 Property owned by private sports clubs which use such property primarily for sports purposes;
- 9.1.8 Property in the inner city [[subsection 8(h) amended on 2009-12-09 with effective date 2008-07-01]];
- 9.1.9 Property:
 - 9.1.9.1 Declared as heritage sites in terms of Section 27 of the National Heritage Resources Act 25 of 1999;
 - 9.1.9.2 Designated as protected areas in terms of section 28 of the National Heritage Resources Act 25 of 1999; and
 - 9.1.9.3 Designated as heritage areas in terms of section 31 of the National Heritage Resources Act 25 of 1999;
- 9.1.10 Property used for bona fide agricultural/farming purposes;
- 9.1.11 Residential sectional title properties;(l)property registered in the name of an institution or organisation which has as its exclusive objective the protection of animals;
- 9.1.12 Property registered in the name of an institution or organisation which has as its exclusive objective the provision and, or promotion of youth development programmes;
- 9.1.13 Property, including sectional title units that form part of a development, that are developed at an appropriate density as determined by the Council from time to time during its budget process contemplated in section 12(2) of the Act;
- 9.1.14 Residential properties owned and occupied by natural persons temporarily without income as contemplated in section 15(2)(c) of the Act:
- 9.1.15 Property situated within an area affected by:
 - 9.1.15.1 A disaster within the meaning of the Disaster Management Act 57 of 2002; and
 - 9.1.15.2 Any other serious adverse social or economic conditions as determined by the Council from time to time; and
- 9.1.16 Vacant land.

PROPERTY RATES BY LAW (FORMER MLM)

10 RELIEF MEASURES FOR PROPERTY OWNERS AS PROVIDED FOR IN THE ACT

10.1 The municipality will not grant reliefs in respect of the payment of rates other than by way of an exemption, rebate or reduction provided for in the property rate policy and are granted in terms of section 15 of the Act to:

10.1.1 A specified category of properties; or

10.1.2 A specified category of owners of property as provided for hereunder.

10.2 The municipality will not grant relief to the owners of property:

10.2.1 On an individual basis.

10.2.2 If the account is in arrears on the date of application.

11 CERTIFICATE OF OCCUPANCY

11.1 Prior to a residential property being eligible for a residential rate or a rebate, a Certificate of Occupancy must have been issued in respect thereof by the relevant Council Department concerned.

12 MULTIPLE PURPOSE PROPERTIES

12.1 The municipality shall determine a method of assessing the value of multi-purpose properties applying the following;

12.1.1 The valuation for all other multiple-purpose properties will be assessed according to the actual uses of the property according to value.

12.2 With regard to the Rural Communal property;

12.2.1 It shall be considered as a multiple use property as a whole;

12.2.2 That identifiable and ratable entities within the property (such as commercial leases and commercial and institutional in possession of permission to occupy) be identified, valued and rated individually, with the proviso that the municipality may extend this annually to include other identifiable entities as the data set is developed; and

12.2.3 That the residual portion of the land be considered as the 'Residual' portion of the land for valuation, rating and rebate purposes and be exempted from the payment of rates as determined in the rates policy.

13 COMMUNITY PARTICIPATION

13.1 The municipality has conducted public participation and consultation processes in

PROPERTY RATES BY LAW (FORMER MLM)

accordance with Chapter 4 of the Municipal Systems Act No. 32 of 2000 and Chapter 2 of this Act.

14 RECOVERY AND PAYMENT OF RATES

- 14.1 An owner of a ratable property shall be liable for a property rates account.
- 14.2 Property rates shall be recovered on a monthly basis over a twelve months period in equal installments.
- 14.3 Owners of ratable properties liable for the payment of property rates account shall be furnished with a written municipal account on a monthly basis.
- 14.4 If a person has not received a written account, that person must take the necessary inquiries from the municipality.
- 14.5 Payment of property rates with a single amount on or before 31 December of each year, shall be allowed on condition that:
 - 14.5.1 The owner applies to the municipality in writing on a prescribed form for such deferment of the payment of the property rates account;
 - 14.5.2 The owner has more than ten (10) property rates accounts with the municipality;
 - 14.5.3 The application reaches the municipality before 30 June of each year.
- 14.6 Interest on overdue property rates accounts shall not be levied until 31 December of each year in case of payment of property rates with a single amount for twelve months.
- 14.7 Rates in arrears shall be recovered from tenants and occupants of a property if the owner fails to pay the property rates account.
- 14.8 The Credit Control and Debt Collection By-Law shall apply in cases where the property rates accounts are in arrears.
- 14.9 The consolidation of property rates and services charge in one account and any appropriation of payments received shall be done by the municipality on a discretionary basis in accordance with the Credit Control and Debt Collection By-Law.
- 14.10 Interest on property rates in arrears shall be calculated and charged at prime rate which
- 14.11 Shall be applicable at 30 June plus one percent fixed over the twelve months period of the financial year.

PROPERTY RATES BY LAW (FORMER MLM)

15 QUERIES

- 15.1 The Municipality may establish a process for the determination of valuation queries and charge a fee in terms of the Tariff Policy for attending to such queries.
- 15.2 Any person who wishes to submit a valuation query must complete a form prescribed by the Municipality for that purpose providing the minimum information required therein and submit same to the office specified on the prescribed form, together with proof of payment of the fee referred to in subsection (1).

16 OBJECTIONS

- 16.1 The municipal valuer must promptly –
- 16.1.1 Consider objections in accordance with the procedure prescribed by the municipal valuer;
- 16.1.2 Decide objections on facts, including the submissions of an objector, and, if the objector is not the owner, the submissions of the owner; and
- 16.1.3 Adjust or add to the valuation roll in accordance with any decision taken, subject to compulsory review of such decision in terms of section 52 of the Municipal Property Rates Act if the municipal valuer adjusts the valuation of a property by more than 10% upwards or downwards.
- 16.2 The municipal valuer must, in writing, notify every person who has lodged an objection and also the owner of the property concerned if the objector is not the owner, of –
- 16.2.1 The municipal valuer's decision in terms of subsection (1)(b) regarding that objection;
- 16.2.2 Any adjustment made to the valuation roll in respect of the property concerned; and
- 16.2.3 (c) whether the municipal valuer's decision will be subject to compulsory review in terms of section 52 of the Municipal Property Rates Act.

17 REVIEW OF THIS BY-LAW

- 18 The By-Law shall be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives and with legislation. **SHORT TITLE**
- 18.1 This By-Law shall be known as City of Mbombela Property Rates By-Law (former MLM).

19 IMPLEMENTATION OF THIS BY-LAW

This By-Law is the City of Mbombela (former MLM) Property Rates By-Laws are herewith promulgated and shall take effect on date of publication



CITY OF MBOMBELA

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

[COUNCIL RESOLUTION: A (1) of 28 JUNE 2017]

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

These by-laws are enacted and published in accordance with the provisions of section 156(2) of the Constitution, read with section 13 of the Local Government: Municipal Systems Act, 2000, which by-laws have been approved by Council in terms of section 75 of the said Municipal Systems Act.

To provide for the collection and removal of solid waste from business, domestic and industrial property situated within the municipality's area of jurisdiction and to provide for matters incidental thereto.

BE IT ENACTED by the Council of Mbombela Local Municipality as follows:-

CHAPTER 1

Definitions

1. For the purpose of these by-laws, unless the context otherwise indicates: -

“bin liner” means a plastic bag as prescribed by the Council which may be placed inside a container with a conserving capacity not exceeding 0,1 m³;

“builders refuse” means refuse generated only by demolition, excavation or building activities on property;

“bulky refuse” means refuse generated on any property but which cannot by virtue of its mass, shape, size or quantity readily be removed by means of and without damaging the bin liner, excluding objectionable refuse or builders refuse;

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

“business refuse” means refuse generated on any property and which can readily be removed by means of and without damaging the bin liner, excluding garden refuse, builders refuse; bulky refuse, domestic refuse or objectionable refuse;

“container” means a refuse container as prescribed and approved by the Council and which may be supplied by the Council free of charge, or at a prescribed tariff or at ruling prices or at a hiring charge;

“Council” means the City of Mbombela Local Municipality established in terms of section 12(1), read with section 14(2) of the Local Government: Municipal Systems Act, 1998,

“domestic refuse” means refuse which is normally generated on the property of private dwelling-houses, including churches, hospitals, schools, hostels, benevolent societies and halls which are solely for residential purposes, and which can readily be removed by means of and without damaging the bin liner;

“garden refuse” means refuse, generated as a result of normal gardening activities of an established garden on property used solely for residential purpose, such as grass cuttings, leaves, plants, tree and shrub pruning, flowers and other similar small and light matter;

“objectionable refuse” means refuse which is toxic, dangerous, injurious or harmful or which may pollute the environment or which results from a manufacturing process or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the Council’s Drainage By-laws may not be discharged into a drain or sewer or which result from manufacturing maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, excluding builders refuse or house refuse;

“occupier” in relation to any property means:

- (a) a person who is occupying property, at any relevant time, without regard to the title under which he or she occupies; or
- (b) a person who is legally entitled to occupy the property, including, where applicable, the owner of physically unoccupied property; or
- (c) a person who is in control or management of property;

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

“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 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; or
- (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", provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:
 - (i) A trustee, in the case of a 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 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 property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a 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 a municipality and is leased by it;
- (e) in relation to a time sharing interest contemplated in the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of the Property Time-sharing Control Act, 1983, and published in Government Notice R327 of 24 February 1984;

- (f) in relation to a share in a share block company, the share block company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980);
- (g) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f), means the holder of the mining right or the mining permit;
- (h) 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; or

"plastic liner" means a plastic bag of adequate strength as prescribed, from time to time, by the City of Mbombela Local Municipality;

"property" means

- (a) immovable property registered in the name of a person, including, in the case of a 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, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure;

And **"premises"** shall have a corresponding meaning.

"public place" has the same meaning as defined in the Local Government Ordinance, 1939:

"refuse" means materials, whether in solid or liquid form, which are or appear to have been abandoned or otherwise accumulated;

"refuse container" means a container as approved by City of Mbombela Local Municipality and which can be supplied at a fixed tariff or rent tariff or in any other way as may be determined by the municipality, from time to time;

"refuse removal tariff" means the tariff, charges or fees that may be payable as determined or prescribed by the municipality in terms of the Local Government: Municipal Systems Act, 2000 and which are prescribed in terms of the Schedule attached to these by-laws;

"service" means the removal of refuse from property by the municipality, which service is rendered or can be rendered on a regular basis;

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

“waste” means a substance defined as such in terms of the National Environmental Management: Waste Act, 2008;

Purpose of By-Laws

2. (1) The purpose of these by-laws is –
- (a) to promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality;
 - (b) to provide for the procedures, methods, practices and standards to regulate the disposal of solid waste and the removal thereof within the area of jurisdiction of the municipality;
 - (c) to give effect to and to promote compliance with the relevant provisions of the Waste Act.

CHAPTER 2

COLLECTION AND REMOVAL OF REFUSE

Council Services

3. (1) The Council shall render services for the collection and removal of refuse from premises at the tariff charge as prescribed in the Schedule attached to these by-laws: provided that the provision of any particular service is subject to the approval of the Council.
- (2) The occupier or owner of property from which refuse is generated shall use the Council's service except where special exemption has been granted in writing by Council through its duly authorised representative or official to make use of independent or private means for refuse collection and removal.
- (3) The owner or occupier of property from which refuse is generated shall be liable for payment of the fees charged by Council in terms of the applicable tariff for the collection or removal of refuse from property.

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

(4) The occupier or owner of property on which business and domestic refuse is generated shall be responsible for the payment of applicable domestic tariff as well as a minimum of one business service or the number of business services as may be determined by Council from time to time.

(5) The owner of property or occupier of an individual sectional title unit or property situated on property held in terms of sectional title register opened in terms of section 5 of the Sectional Title Act, 1986, on which business or domestic refuse is generated shall be liable individually to the Council for the fees charged in terms of the applicable tariffs for the collection and removal of waste from such property: provided that where Council has charged the applicable fees to the occupier of an individual sectional title unit, it shall not simultaneously charge the same fees to the owner of the property.

(6) The fees charged as contemplated in subsections (4) and (5) above shall be paid to Council by the occupier or owner for the services irrespective of whether or not the service was utilised by the occupier or owner.

Notice to Council

4. (1) It is the responsibility of the occupier or owner of property where refuse is generated to, within seven days of occupation or of the date on which refuse is first generated, notify Council:-

- (a) that the property have become occupied;
- (b) of the type of refuse that is generated;
- (c) of the estimated volume of refuse to be generated;
- (d) of the proposed method and frequency of removal.

(2) The owner or occupier of property on which refuse is generated, shall in a manner prescribed by the Council, furnish the Council with all the particulars required by the Council in regard to the composition of the refuse.

Provision of containers

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

5. (1) The Council shall in its sole discretion, after consultation with the owner or occupier, determine the type and number of containers required on any property.
- (2) The owner of a property shall be responsible for the supply of the pre-determined number and type of containers, if required by the Council.
- (3) If a container is supplied by the Council, such container shall be supplied free of charge, at ruling prices or at a hiring tariff, as the Council may determine.
- (4) Where a container is supplied free of charge or at a hiring tariff by the Council, such container shall remain the property of the Council and the owner of the property shall be liable to the Council for the loss of or damage to such container.

Placing of containers

6. (1) The owner or occupier of property shall provide sufficient space for the storage of the containers on the property as approved by the Council.
- (2) The space provided in terms of subsection (1) shall be in such a position as will allow the storage of containers without their being visible from a street or public place, unless otherwise directed by the Council.
- (3) All containers with a conserving capacity not exceeding 0,1 m³, in which business or domestic refuse is placed, shall be equipped with bin liners or at least 950 mm x 750 mm and 40 micrometre thick or as may be determined by the Council from time to time and such bin liners shall be supplied by the occupant or owner, unless otherwise determined by the Council.
- (4) Bin liners containing refuse, properly fastened, shall on the day of removal only, as determined by the Council, be placed outside the fence or boundary of the property on the street boundary or such other position as determined by the Council.
- (5) If required by the Council, the place of collection shall be located in a manner that will make it easy or convenient to access and to egress for the Council's refuse collection vehicles.

(6) A sufficient area shall be provided to keep a special container for the storage of refuse as described in section 6(1)(a)(i), apart from the space necessary for the storage of refuse not kept in a special container.

(7) The Council may at its discretion indicate a position from where refuse may be removed more conveniently.

(8) Notwithstanding any provision to the contrary, the Council may:-

- (a) in the case of buildings erected, or building of which the building plans have been approved prior to the coming into operation of these by-laws; and
- (b) in the event of the Council, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1),

having regard to the avoidance of nuisance or the convenience of collection of refuse, indicate a position within or outside the property where the container(s) shall be placed for the collection and removal of such refuse and such container(s) shall then be placed in such position at such times and for such periods as the Council may prescribe.

Use and care of containers and bin liners

7. (1) The occupier of property, or in the case of property being occupied by more than one occupant, the owner of such property, shall ensure that: -

- (a) all the domestic or business refuse generated on the property is placed and kept in bin liners for removal by the Council: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be:-
 - (i) who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other waste material for recycling in a manufacturing process or, in the case of swill, for consumption;
 - (ii) from utilising such domestic refuse as may be suitable for making compost, provided that the refuse remains on the property and does not cause a nuisance;

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

- (b) not hot ash, glass fragments or other business or domestic refuse which may cause damage to bin liners or injury to the Council's employees while carrying out their duties in terms of these by-laws, is placed in bin liners before he has taken the necessary precautions to avoid such damage or injury;
- (c) no material, including any liquid which, by reason of its mass or other characteristics is likely to render such bin liners too difficult for the Council's employees to handle to carry, is placed in such bin liners;
- (d) is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition.

(2) No container may be used for any purpose other than that for which it is supplied and no fire shall be lit in such container.

(3) The bin liners containing refuse shall be removed by the Council only if such bin liner has been placed at the prescribed place, as provided for in section 5, at such intervals as the Council may deem necessary.

(4) The Council shall not be liable for the loss of or for any damage to a container or bin liner.

Compaction of refuse

8. (1) Should the quantity of business refuse generated on property require:-

- (a) the removal of more than 20 containers per day (assuming 85 litre capacity per container); or
- (b) the removal of a number of container units of equivalent storage capacity to 20 containers (assuming 85 litre capacity per container);
- (c) where in the opinion of Council, the major portion of such refuse be compactable; and
- (d) should the occupier or owner of property wish to compact such refuse, the occupier, or in the case of property being refuse,

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

the occupier, or in the case of property being occupied by more than one person, the owner of such property, shall increase the density of the portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved steel, plastic, paper or other disposable container, and section 4 shall not apply to such compacted refuse, but shall apply to all other refuse.

(2) The capacity of the plastic, paper or other disposable container mentioned in subsection (1) shall not exceed 85 litre.

(3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic, paper or other disposable container, such container shall be placed in a bin or container unit.

(4) In so far as the provisions of subsection (1) make the compaction of business refuse compulsory, such provisions shall not apply until a period of one year has elapsed from the date upon which these by-laws are published.

(5) "Approved": for the purposes of subsection (1) shall mean approved by the Council, regard being had to the fitness of the equipment of container for its purpose and to the specific requirements of a particular case from the point of view of public health, storage, refuse removal or refuse disposal.

(6) The containers mentioned in subsection (1) shall be supplied by the occupier or the owner, as the case may be.

(7) If a steel container is used in terms of subsection (1), such container shall, after every collection of refuse, be returned to the property from where it was removed and after it has been emptied by Council.

(8) It is the responsibility of Council to remove and empty the containers mentioned in subsection (1) at intervals determined by Council taking into consideration the specific circumstances of each property and the volume of refuse to be collected, removed and emptied.

(9) None of the provisions of this section shall be read as preventing an occupier or owner of property who has obtained Council's prior written consent from selling or otherwise

disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3

GARDEN REFUSE

Removal and Disposal of Garden Refuse

9. (1) The occupier or, in the case of property occupied by more than one occupant, the owner of the property on which the garden refuse is generated, shall insure that such refuse be disposed of within a reasonable time after the generation thereof: Provided that garden refuse may be retained on the property for the making of compost if it will not cause a nuisance.
- (2) Subject to the provisions of section 2(2), any person may remove and dispose of garden refuse.
- (3) The Council may determine that certain garden refuse shall be placed in bin liners in which event the stipulations of section 5 shall *mutatis mutandis* apply.

THE COUNCIL'S SPECIAL SERVICES

10. (1) Subject to the provisions of section 2(1) the Council shall remove garden refuse of a property if such garden refuse on the day of removal, is placed outside the fence or boundary of the property on the street boundary or such other place as determined by the Council.
- (2) The Council may determine the type and quantity of the containers, which shall be used for the storage and removal of such refuse.
- (3) Garden refuse shall, once it has been removed from the property on which it was generated, be deposited on a site designated by the Council as a disposal site for such garden refuse.

CHAPTER 4

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

BUILDERS REFUSE

RESPONSIBILITY FOR BUILDERS REFUSE

11. (1) An owner of property on which builders refuse is generated and a person who is engaged in an activity which causes such refuse to be generated shall ensure that:-
- (a) refuse generated shall be disposed of in terms of section 14 within a reasonable time after the generation thereof;
 - (b) until such time as builders refuse is disposed of in terms of section 13 and subject to the provisions of section 12, such refuse together with the containers used for its storing and removal, shall be kept on the property from which it was generated.
- (2) Any person may operate a builder's refuse removal service: provided that prior written authority shall be obtained from Council.

Should the Council provide such a service it shall be done at the tariff charge: Provided that the Council may do so with its refuse removal equipment.

Containers

12. (1) If containers or other receptacles used for the removal of builders refuse from property cannot be kept on the property, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent.
- (2) Consent given in terms of subsection (1) shall be subject to such conditions as the Council may deem necessary: Provided that in giving or withholding its consent or in laying down conditions the Council shall have regard to public safety and convenience.
- (3) The written consent of the Council referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.
13. Every container or other receptacle used for the removal of builders refuse:-
- (a) shall have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

- (b) shall be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof;
- (c) shall be covered at all times other than when actually receiving or being emptied of such refuse that no displacement of its contents or dust nuisance can occur.

Disposal of builders refuse

14. (1) Subject to the provisions of subsection (2) hereof all builders refuse shall be deposited at the Council's refuse disposal sites subsequent to the person depositing the refuse having paid the tariff charge.

(2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Council, be deposited at a place other than the Council's refuse disposal sites.

(3) Any consent given in terms of subsection (2) shall be subject to such conditions as Council may deem necessary: provided that in giving or refusing its consent or in laying down conditions, Council shall have regard to the following:

- (a) Public safety.
- (b) The environment of the proposed disposal site.
- (c) The suitability of the area including the drainage thereof.
- (d) The expected manner and times of depositing of refuse at the site.
- (e) The levelling of the site.
- (f) The control of dust.
- (g) Other relevant factors.

CHAPTER 5

BULKY REFUSE

REMOVAL AND DISPOSAL OF BULKY REFUSE

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

15. (1) The occupier or, in the case of property occupied by more than one person, the owner of property on which bulky refuse is generated, shall ensure that such refuse is disposed of in terms of this Chapter within a reasonable time after it has been generated.
- (2) Any person may remove and dispose of bulky refuse.
- (4) Bulky refuse shall, once it has been removed from the property on which it was generated, be deposited on a site designated by the Council as a disposal site for such refuse.

The council's special service

16. At the request of the owner or any occupier of any property the Council shall remove bulky refuse from property at the prescribed tariff, provided that the Council is able to do so with its refuse removal equipment.

CHAPTER 6

OBJECTIONABLE REFUSE

NOTIFICATION OF GENERATION OF OBJECTIONABLE REFUSE

17. (1) The owner or occupier of property on which objectionable refuse is generated, shall inform the Council of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) Where it is required by Council, the notification referred to in subsection (1) shall be substantial by an analysis certified by a duly qualified industrial chemist or a person nominated by the Council.
- (3) Subject to the provisions of section 72 of the Local Government Ordinance, 1939, Council or any person duly authorized by it may enter property at any reasonable time to ascertain whether objectionable refuse is generated on such property and may take samples and test any refuse found on the property to ascertain its attributes or composition.

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

(5) The owner or occupier of property from which objectionable refuse is generated shall notify Council within reasonable time of any changes in the (chemical) attributes or composition and the quantity of the objectionable refuse that is or is likely to be generated from the property.

Storing of objectionable refuse

18. (1) A person referred to in section 17(1) shall ensure that the objectionable refuse generated on the property shall be kept and stored thereon in terms of section 17(2) until it is removed from the property in terms of section 19.

(2) Objectionable refuse stored on property shall be stored in such manner that it does not cause a nuisance or pollute the environment.

(3) If objectionable refuse is not stored in terms of subsection (2) on the property on which it is generated, the Council may order the owner or occupier of the property to remove such refuse within a reasonable time and, if thereafter the refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of the owner or occupier.

Removal of objectionable refuse

19. (1) A person may not remove or dispose of objectionable refuse from the property on which it was generated without first obtaining written consent from Council or in any other manner than in terms of the written consent of Council.

(2) Council may give written consent in terms of subsection (1) subject to such conditions as it may deem fit: provided that when laying down conditions Council shall have regard to:-

- (a) the composition of the objectionable refuse;
- (b) the suitability of the vehicle and container to be used;
- (c) the place where the refuse shall be deposited;
- (d) proof to the Council of such depositing.

(3) Unless it is satisfied that the person applying for consent is competent and has the equipment to remove objectionable refuse and to comply with the conditions laid down by Council, Council shall not give written consent to any applicant contemplated subsection (1).

(4) The person referred to in section 17(1) shall inform Council, at such intervals as Council may determine, having regard to the information which shall be given to Council in terms of section 17(1) for the removal of objectionable refuse, the identity of the remover, the date of such removal, the quantity and the composition of the objectionable refuse removed.

(5) A person who removes objectionable refuse in contravention of the provisions of this section commits an offence and the provisions of section 22(3) shall be applicable, subject to the necessary changes.

CHAPTER 7

DISPOSAL SITES

PROCEDURE AT DISPOSAL SITES

20. (1) A person who, for purposes of disposing refuse, enters a refuse disposal site controlled by the Council, shall: -
- (a) enter the disposal site at the authorised access only;
 - (b) in the manner required by the Council present the refuse for weighing, if the Council so requires;
 - (c) provide the Council with all particulars required in regard to the composition of the refuse;
 - (d) adhere to all instructions given to him by the Council with regard to access to the actual disposal point, the place where and the manner in which the refuse shall be deposited;

(e) pay the prescribed tariff charge in respect of the refuse deposited in the manner as determined by the Council from time to time.

(2) A person may not take intoxicating liquor or similar substance onto a disposal site controlled by Council.

(3) A person may not enter a disposal site controlled by Council for any purpose other than for depositing refuse in terms of these by-laws and refuse may only be deposited at such times as Council may from time to time determine.

Ownership of refuse

21. (1) Refuse and bin liners removed by Council and refuse on disposal sites controlled by Council shall be the property of Council and no person who is not duly authorized by the Council to do so, shall remove or interfere therewith.

(2) Only refuse generated on property situate within the area of jurisdiction of the Council, may be deposited on the Council's disposal sites.

CHAPTER 8

LITTERING, DUMPING AND ANCILLARY MATTERS

LITTERING

22. (1) A person may not:-

- (a) throw, drop, deposit or spill any refuse into or onto any public place, vacant stand, vacant erf, stream or watercourse;
- (b) sweep any refuse into a gutter on a public place; and
- (c) allow any person under his control to do any of the acts referred to in paragraph (a) and (b).

(2) For the purposes of this section, an occupier or owner shall be deemed to have authorised performance of the acts referred to in subsection (1) by persons operating under his control or command, unless the contrary is proved.

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

Dumping

23. (1) Notwithstanding any provision to the contrary in these by-laws, a person may not abandon refuse or any item which is to be disposed of or allow refuse or any item under his control to be abandoned at a public place or on any area which is not designated for disposal of refuse.

(2) Once it has been proved that such person left something or caused something to be left at a place of which he is not the owner or occupier, he shall be deemed to have contravened the provisions of sub-section (1) unless the contrary is provided.

(3) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable, on conviction, to a fine not exceeding R300-00 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

Abandoned things

24. An item other than a motor vehicle shall be deemed to have been abandoned in terms of section 131 of the Road Traffic Ordinance, 1966, as amended, if, having regard to such factors as the place where it was found, the period that it has been left at such place and the nature and condition thereof, it may reasonably be regarded by Council as having been abandoned, and may be removed and disposed of by Council as may deem desirable.

Liability of responsible person

25. (1) Where anything has been removed and disposed of by the Council in terms of section 24, the responsible person shall be liable to the Council for the payment of the tariff charge in respect of such removal and disposal.

(2) For purposes of subsection (1), the responsible person shall be:-

(a) the owner of the thing and shall include any person who is entitled to be in possession thereof by virtue of a hire purchase agreement or an agreement of lease at the time when it was abandoned or left in the place from which it was removed, unless he can prove that he was not involved in and did not know of its being abandoned or left in such place; or

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

- (b) any person by whom it was left in the place from which it was removed; or
- (d) any person who knowingly permitted that the thing be left in the place from which it was deemed.

CHAPTER 9

GENERAL PROVISIONS

ACCESS TO PROPERTY

26. (1) Where Council provides a refuse removal service, the owner or occupier of property shall grant to Council access to the property and shall ensure that nothing obstructs, frustrates or hinders Council in the rendering of such service.
- (2) Where, in the opinion of Council the rendering of refuse collection service to any property may cause damage to property or injury to person, Council may, as a condition for rendering such service, require the owner or occupier of the property to indemnify Council in writing for any such damage or injury that may occur and for any claim which may arise as a result of the damage to property or personal injury, as the case may be.

Frequency of removal and nature of refuse

27. Notwithstanding any provision to the contrary, the Council shall determine the frequency of the removal and the nature, of any refuse.

Accumulation of refuse

28. Where refuse accumulates on any property and it requires to be removed, Council may remove such refuse and the owner or occupier of such property shall be liable to Council for the payment of fees to be charged in term of the applicable tariff for the removal and disposal of the accumulated refuse.

Application for the rendering or termination of service

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

29. (1) An application for the rendering or termination of a service rendered in terms of these by-laws, shall be made in writing or in any other manner as determined by the Council, by the owner or occupier or their authorized agent.

(2) Notwithstanding the provisions of subsection (1) a service for the removal of domestic or business refuse shall not be discontinued unless the Council has received a written notification from the owner of a property that no such refuse is generated on the property or unless it is obvious to the Council that no such refuse is generated on the property.

Charges

30. (1) Save where otherwise provided in these by-laws, the person to whom a service mentioned in these by-laws has been rendered by Council, shall be liable to Council for the payment of the tariff charges in respect of such service.

(2) Monthly tariff charges shall be payable until receipt by Council of the notice mentioned in section 28 or until Council is satisfied that the generation of domestic or business refuse on the property has ceased.

(3) For the purpose of calculating the monthly tariff charges payable in terms of these by-laws, "month" means a calendar month: provided that a portion of a month shall be regarded as a full month.

(4) Council shall have the right at any time to levy tariff charges in respect of a service rendered to any property in terms of these by-laws, although Council has not received an application to render such service from the owner or occupier of such property.

(5) Any person who fails to pay the tariff charges levied in respect of services rendered by the Council, shall be guilty of an offence and liable on conviction to a fine of as set out in the Tariff schedule

Offences and penalties

31. (1) Subject to the provisions of section 22(3), any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and shall be

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS

liable, on conviction, to a fine not exceeding R2000-00 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

(2) In the event of a continuing offence, any person who contravenes or fails to comply with any provision of these by-laws, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues, and shall be liable on conviction as set out in subsection (1) in respect of each such separate offence.

Revocation and amendment of by-laws

32. (1) The Sanitary and Refuse Removal By-laws of the Nelspruit Municipality, published under Administrator's Notice 580, dated 5 July 1967, as amended, is hereby revoked.

(2) Sections 7, 43 to 46 inclusive, and subsection (b) of section 47 of Chapter 1, under Part IV of the Public Health By-laws of the Nelspruit Municipality, published under Administrator's Notice 148, dated 21 February, 1951, as amended, are hereby deleted.

(3) Subsection (a) of section 19 of Chapter 1 under Part IV of the Public Health By-laws of the Nelspruit Municipality, published under Administrator's Notice 148, dated 21 February, 1951, as amended, is hereby substituted by the following: -

Effective date

33. The **REFUSE (SOLID WASTE) AND SANITARY BY-LAWS** are herewith promulgated and shall take effect on date of publication

REFUSE (SOLID WASTE) AND SANITARY BY-LAWS



CITY OF MBOMBELA

TARIFF BY-LAW

[COUNCIL RESOLUTION: A (1) of 28 JUNE 2017]

TARIFF BY-LAW

CITY OF MBOMBELA TARIFF BY-LAW

To give effect to the implementation of the City of Mbombela tariff policies and to provide for matters incidental thereto.

TABLE OF CONTENTS

PREAMBLE

DEFINITIONS

CHAPTER 1: GENERAL TARIFF MATTERS

1. LEGISLATIVE COMPLIANCE
2. ENFORCEMENT OF TARIFF POLICY
3. SCOPE OF THE POLICY
4. OBJECTIVE
5. PRINCIPLES
6. APPLICATION OF TARIFF PRINCIPLES
7. USER MUST PAY FOR SERVICES
8. DIFFERENTIATION FOR TARIFF PURPOSES
9. SUBSIDISATION OF BASIC SERVICE TARIFFS

CHAPTER 2: CALCULATION OF TARIFF FOR MAJOR SERVICES

CHAPTER 3: WATER

CHAPTER 4: SANITATION

CHAPTER 5: SOLID WASTE REMOVAL

CHAPTER 6: ELECTRICITY

CHAPTER 7: SUNDRY TARIFF

36. DEPARTURES

37. REGULAR REVIEW PROCESSES

TARIFF BY-LAW

PREAMBLE

- 1) Section 229(1) of the Constitution of the Republic of South Africa authorizes a municipality to impose:
 - a) Rates on property and surcharges on fees for services provided by or on behalf of the municipal, and
 - b) If authorized by national legislation, other taxes, levies and duties.
- 2) In terms of section 75A of the Systems Act, 32 of 2000, a municipality may:
 - a) a Levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and
 - b) Recover collection charges and interest on any outstanding debt.
- 3) In terms of section 74(1) of the Systems Act, 32 of 2000, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of services delivery agreements and which complies with the provisions of the systems act, the Local Government Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
- 4) In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policies.
- 5) In terms of section 75(2) of the Systems Act, 32 of 2000, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

BE IT THEREFORE ENACTED by the Council of the Mbombela City, as follows:-

DEFINITIONS

All terms used in this policy, unless the context indicates otherwise, have the meaning ascribed to them in Local Government legislation or hereunder.

“Domestic consumer or user” of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

TARIFF BY-LAW

“City” means the City of Mbombela. Where reference is made directly or by implication to an official of the City, it means the delegated official responsible for the specific service or function within the City, unless specifically indicated otherwise.

“Consumption-based Tariff” means a tariff set as a rand amount per measurable unit of service.

“Council” means the Council of the City.

“CPIX” means the consumer price index excluding mortgage costs as measured by STATSSA.

“Homeless people’s shelters” means a bona fide non-profit organisation (“NPO”) which operates a shelter used primarily for the accommodation of homeless people and which has applied for and been registered as such shelter by Council on an annual basis and has inter alia indicated by affidavit how many people it normally shelters. This also includes organisations accredited by the Council's Homeless Agency Committee (“HOMAC”), which cares for homeless children as stipulated in the Children’s Act, 38 of 2005.

“Homes catering for the health of physically or mentally challenged individuals” means a bona fide non-profit organisation (“NPO”) which operates a home used for the accommodation of physically or mentally challenged individuals which has applied for and been registered as such by Council on an annual basis and has inter alia indicated by affidavit how many people it accommodates. Such organisations must be accredited by the Council's Homeless Agency Committee (“HOMAC”).

“Old Age Homes” means an organisation which operates as an old age home used for the accommodation of retired people and which has applied for and been registered as old age home with the (Central Government) Department of Social Development, carries a certificate of registration as a Non-Profit Organisation and has inter alia indicated by affidavit (which need to be updated and submitted on an annual basis) how many people it houses. This will only be applicable to organisations that do not form part of the Domestic Cluster category.

“Indigent Fund” means a budget provision, funded from National Government transfers and municipal rates, which is used to subsidise basic services.

“Municipal Account” means a postulated current account based on median bills for water, electricity, sanitation, solid waste services and rates. Sundry charges and interest on debt are excluded.

“Provision for Free Basic Services” means a budget provision, funded from National Government transfers and Municipal rates to subsidize basic services.

“Rates and General Accounts” means a budget provision used to fund other municipal services excluding electricity, water, sanitation and solid waste services.

“STATSSA” means Statistics South Africa, a body established in terms of section 4 of the Statistics Act, 6 of 1999, which consists of a Statistician-General, permanent and temporary staff referred to in the first column of Schedule 2 of the Public Service Act of 1994, and whose main function is to provide official statistics for use by organs of state, businesses, organisations and the public in planning, decision-making and other actions, and the monitoring and assessment of policies

“Sundry Tariff” means a tariff set as a fixed Rand amount.

“Systems Act” means the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000).

“Tariff” means fees, charges, or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government : property Rates Act, 2004 (Act 6 of 2004).

“User” means a person liable to the Council for the cost to be recovered for a municipal service payable by such user.

“Vulnerable Groups” means bona fide NPOs/PBOs operating subsistence survival gardens supporting certain categories of poor people as defined in the Urban Agriculture Policy for the City of Cape Town, 2007 and who have applied for and been registered by Council on an annual basis to qualify for special tariffs.

CHAPTER 1 GENERAL TARIFF MATTERS

1. LEGISLATIVE COMPLIANCE

- 1.1. The Municipal Systems Act, No 32 of 2000 requires that Council adopt a Tariff Policy.
- 1.2. The general financial management functions covered in Section 62(f) of the Municipal Finance Management Act includes the implementation of a tariff policy.

TARIFF BY-LAW

- 1.3. Specific legislation applicable to each service has to be taken into consideration when determining this policy.

2. **ENFORCEMENT OF TARIFF POLICY**

- 2.1. The City's tariff policy shall be enforced through the Credit Control and Debt Collections By-laws and Policy and any further enforcement mechanisms stipulated in the City's tariff policy.

3. **SCOPE OF THE POLICY**

- 3.1. The policy document guides the annual setting of tariffs, hence the policy does not make specific tariff proposals, nor does it deal in any detail with the implementation of the specific tariff proposals. Details pertaining to specific levels and applications of the various tariffs are published in the Schedule of Tariffs, which must be read in conjunction with this policy.
- 3.2. The policy is applicable to all tariffs for:
 - (a) Electricity,
 - (b) Water,
 - (c) Sanitation; and
 - (d) Solid waste services provided by the City.
- 3.3. This policy is also applicable to all sundry tariffs as provided for in the Schedule of Tariffs of the City.

4. **OBJECTIVE**

The objective of the tariff policy is to ensure that:

- 4.1. The tariffs approved by Council during the Budget process to fund services must be consistent with this policy.
- 4.2. The municipal services are financially sustainable, affordable and equitable.
- 4.3. The needs of the poor households are taken into consideration.
- 4.4. There is consistency in how tariffs are applied throughout the City.

TARIFF BY-LAW

- 4.5. Tariffs are standardized, where possible, for the whole municipal area.

5. **PRINCIPLES**

- 5.1. Where a service is provided primarily for the benefit of an individual user and the actual service or consumption can be accurately measured, the cost of providing the service should be recovered from the individual by means of tariffs.
- 5.2. When a service connection is made, a sundry tariff should be used and when a metered quantity of service is consumed, a consumption based tariff should be used. Both tariffs must comply with this policy.
- 5.3. Some services, although provided primarily for the benefit of individual users and have important community benefits, particularly where these services cannot be accurately measured, the cost of the service should be recovered by combination of tariffs and rates. The provision and removal of solid waste collection is such a service.
- 5.4. Where a service is provided primarily for the benefit of the community and an individual's benefit cannot be accurately measured, the cost of providing the service should be recovered by means of rates. The rates must comply with the Municipal Property Rates Policy.
- 5.5. Poor households should have access to free basic services in line with the Municipal Indigent Policy, taking into consideration the affordability constraints of the City.

6. **APPLICATION OF TARIFF PRINCIPLES**

Section 74(2) of the Municipal System Act, No 32 of 2000, sets out principles that must be reflected in the tariff policy. These principles are applied in the following manner:

- 6.1. Users will be treated equitably through differentiation for tariff purposes being limited to that set out in Section 8 of this policy.
- 6.2. Where appropriate and possible, the amount individual users pay for services will generally be in proportion to their use of that service by using consumption based tariffs as defined in this policy. This will be dependent on the service being able to provide discernable, universal and regular metering and reading.

TARIFF BY-LAW

- 6.3. Poor households as defined in the municipal indigent relief measures as contained in the Indigent Policy, from time to time, will have access to basic services through subsidized tariffs.
- 6.4. Tariffs will reflect the cost reasonably associated with the rendering of the service. The budgeted income and expenditure of the service, showing the contributions to rates and general accounts, support services recharges and contributions from the provision of Free Basic Services must be provided as part of the annual report on the revision of rates and tariffs.
- 6.5. Tariffs will be set at levels that facilitate the financial sustainability of the service, taking into account subsidization from sources other than the service concerned.
- 6.6. The economical, efficient and effective use of resources may be encouraged through the use of the incline block tariffs.
- 6.7. The promotion of local economic development through a special tariff for the categories of industrial users may be provided.
- 6.8. Where free basic services or services subsidized from the provision of free basic services to individual users, these will be shown on the monthly bill of those users. The extent of the annual subsidization to all subsidized users will be reported to council.
- 6.9. In addition, the amount that users pay for services, as measured through the municipal account, should generally be affordable for different categories of users and annual tariff increases should be benchmarked against inflation measured by CPIX.

7. USER MUST PAY FOR SERVICES

- 7.1. Notwithstanding the City's commitment to free basic services, the City believes that consumers of services must pay for the amount of services that they use. Where it is possible to measure the consumption of services, the Municipality intends to install metering systems.
- 7.2. All domestic users, except indigent households, must remit the full amount in respect of services rendered.

8. DIFFERENTIATION FOR TARIFF PURPOSES

Section 74(3) of the Municipal Systems Act, No 32 of 2000 allows for the differentiation between different categories of users, debtors, services, service

TARIFF BY-LAW

standards, geographical areas and other matters for tariff purposes as long as the differentiation does not amount to unfair discrimination. The nature and basis for differentiation for tariff purposes in City is set out in the categories defined, below.

8.1. Categories of Users

The following are categories of users as defined for this Policy:

- (e) Residential
- (f) Business, commercial and industrial,
- (g) Agricultural,
- (h) Government,
- (i) Public service infrastructure,
- (j) Public benefit organisation,
- (k) Mining,
- (l) Rural communal land/ or state owned,
- (m) Municipal,
- (n) Places of public worship,
- (o) Vacant land,
- (p) Educational,
- (q) Other properties.

8.2. In addition to (6.1) sub-categories of residential or domestic users may be defined based on any one or more of the following criteria in a manner defined in the municipal free basic services policy.

- (a) Service consumption level
- (b) Payment level

- (c) Household income
- (d) Type of connection or service.

8.3. Categories of services

Different categories of services may be defined but only if the basic service is defined for that municipal service in the City's indigent relief measures as contained in the Credit Control and Debt Collection Policy. The following criteria may be used in defining different categories of services:

- (a) Type of service;
- (b) Category of user;
- (c) Level of consumption;
- (d) Type of connection;
- (e) Time of use.

Certain categories of service may be restricted to certain categories of users. The basic service will be restricted to Residential/domestic users, homeless people's shelters, homes catering for the health of physically or mentally challenged individuals and Old Aged Homes as defined.

8.4. Categories for the standard of service

Different categories for standard of service may be defined for different users or services. They may be based on:

- (a) Access
- (b) Frequency
- (c) Quantity, quality and consumption level
- (d) Type of connection or service.

9. SUBSIDISATION OF BASIC SERVICE TARIFFS FOR RESIDENTIAL/ DOMESTIC USERS, HOMELESS PEOPLE'S SHELTERS, HOMES CATERING FOR THE

TARIFF BY-LAW

HEALTH OF PHYSICALLY OR MENTALLY CHALLENGED INDIVIDUALS AND OLD AGED HOMES AS DEFINED

- 9.1. Basic level consumption of any service may be subsidized by a higher level tariff, dependent on legislative requirements and national acceptance.
- 9.2. Individual residential / domestic users, residential / domestic backyard users (where activated), homeless people's shelters, homes catering for the health of physically or mentally challenged individuals and old aged homes as defined may have consumption subsidized from the Indigent Fund as classified in the City's indigent relief measures as contained in the Credit Control and Debt Collection Policy, which may be amended from time to time.

CHAPTER 2 CALCULATION OF TARIFF FOR MAJOR SERVICES

10. In order to determine the tariffs which must be charged for the supply of the four major services, the City shall identify all the costs of operation of the undertakings concerned, including specifically the following:
 - 10.1. Cost of bulk purchases in the case of water and electricity.
 - 10.2. Distribution costs.
 - 10.3. Distribution losses in the case of electricity and water.
 - 10.4. Depreciation expenses.
 - 10.5. Maintenance of infrastructure and other fixed assets.
 - 10.6. Administration and service costs, including:
 - (a) Service charges levied by other departments such as finance, human resources and legal services;
 - (b) Reasonable general overheads, such as the costs associated with the office of the municipal manager;
 - (c) Adequate contributions to the provisions for bad debts and obsolescence of stock;

TARIFF BY-LAW

- (d) All other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area.
- 10.7. The intended surplus to be generated for the financial year, such surplus to be applied:
 - (a) As an appropriation to capital services; and/or
 - (b) Generally in relief of rates and general services.
- 10.8. The cost of approved indigence relief measures.
- 11. The City shall provide at least the first 50kWh of electricity per month and the first 6kl of water and sewerage per month free of charge to consumers who have registered as indigents in terms of the City's indigent relief program.
- 12. The City shall further consider relief in respect of the tariff for refuse removal for such registered indigents to the extent that the council deemed such relief affordable in terms of each annual budget, but on the understanding that such relief shall not be less than a discount of 50% but not more than 100% on the monthly amount billed for the service concerned.
- 13. Water is a scarce national resource and this City is committed to the prudent conservation of such resources. The tariff levied for domestic consumption of water shall escalate according to the volume of water consumed. The implementation of this escalation will be determined and phased-in, according to affordability after consultation during the public participation process. An extra penalty can be charged by Council where it is deemed necessary to address critical water shortages. In setting the consumption levels, tariffs and penalties, consideration shall be given to the current dam levels and anticipated rainfall during the current financial year.

CHAPTER 3 WATER

- 14. The categories of water consumers shall be charged at the current applicable two-part tariffs, namely fixed charge and consumption based tariff as approved by council in each annual budget.
- 15. The tariff adjustment shall be effective from the 1st of July each year.
- 16. Water Tariff structure and charges shall be:

TARIFF BY-LAW

- 16.1. A fixed availability fee shall be charged to all vacant unimproved stands where such a service is available and the service can be connected to the main supply.
- 16.2. All domestic water consumers on improved stands may be charged a fixed charge after receiving the first 6 (six) kl of water consumed, free of charge. Thereafter a stepped tariff per kl as determined by the council from time to time shall be applicable on the metered water consumption.
- 16.3. All business and industrial consumers may be charged a fixed charge and a stepped tariff per kilolitre consumed may be applied.
- 16.4. Institutional consumers which include schools, institutions of higher learning, hospitals, government buildings, places of worship, sporting clubs and non-governmental organizations. These consumers may be charged a fixed charge and a stepped tariff per kilolitre consumed may be applied.
- 16.5. Metered domestic consumers registered as indigents shall receive the first six (6) kilolitres of water consumed free of charge. A stepped tariff per kilolitre shall apply on consumption exceeding the first six (6) free kilolitres and no fixed or basic charge shall apply on this category of consumers if less than 6 (six) kilolitres of water is consumed during a month.
- 16.6. As water is a very scarce resource in the City, consumers can be restricted during dry seasons to use water to certain levels and a penalty fee shall be imposed if the consumer consumes more than the restricted levels.
- 16.7. Consumer deposits shall be determined according to the City's Consumer Deposit Policy.
- 16.8. Departmental water consumption shall be charged at cost.
17. Termination of services must be done in writing either by letter, e-mail, fax or standard disconnection form. If this is not done, the date on which a new connection is registered may be deemed as the disconnection date of the water supply.
18. Customers connected to their private boreholes shall be charged the fixed availability charge.

CHAPTER 3 SANITATION

TARIFF BY-LAW

19. The categories of users shall be charged per the applicable two part tariff, namely basic charge and consumption charge, as approved by the council in each annual budget.
20. Tariff adjustments will be effective from the 1st of July each year.
21. Sanitation tariff structure and charges shall be:
 - 21.1. A basic or availability charge shall be charged per month for every serviced stand. A serviced stand implies where such a service is available and the service can be connected to the main supply.
 - 21.2. On a full waterborne sewerage service, all consumers may be charged on a monthly basis a variable charge based on the consumption of water.
 - 21.3. Should water be supplied from a borehole or other supply and such supply is not metered by a municipal water meter, a fixed charge shall be charged.
 - 21.4. For suction tank and septic tank system, consumers shall be charged a tariff based on the number of kilolitres of sewerage waste removed.
22. Termination of services must be done in writing either by letter, e-mail, fax or standard disconnection form. If this is not done, the date on which a new water connection is registered may be deemed as the disconnection date of the service.

CHAPTER 3 SOLID WASTE REMOVAL

23. The categories of solid waste consumers shall be charged at the current applicable fixed charge, weighed mass or volume based charge as approved by council in each annual budget.
24. Tariff adjustments will be effective from the 1st of July each year.
25. Sanitation tariff structure and charges shall be:
 - 25.1. A fixed monthly charge or volume base charge.
 - 25.2. A tariff per kilogram weighed mass.

CHAPTER 5 ELECTRICITY

TARIFF BY-LAW

26. The various categories of electricity consumers shall be charged at the applicable tariffs and under such conditions as approved by the National Energy Regulator of South Africa (NERSA).
27. Tariff adjustments shall be effective from the 1st of July each year or as soon as possible thereafter.
28. The electricity tariff structure charges shall be:
 - 28.1. The City shall apply the following three standard tariff structures as recommended by the National Electricity Regulator.
 - (a) Domestic:

This tariff is applicable for residential customers with a single phase connection of 60Amps or less with 230Volt supply or a three phase with 400Volt supply.
 - (b) Business and Commercial:

Business and commercial customers with a connection of 80Amp or less, either single phase connection with 230Volts supply or three phase connection with 400Volts supply, may be charged a fixed and an energy charge. This includes domestic customers requiring a larger than 60Amp connection.
 - (c) Low tension/ High tension:

This tariff is where the circuit breaker is more than 80Amps with three phase supply. The tariff shall consist of a fixed, energy, demand and network access charge.

Where the customer uses more than 100 MWh per month, a time of use (TOU) tariff may be applied. This tariff shall consist of a fixed, multi energy, reactive energy, demand, and network access charge, per Eskom's determined time periods and seasons.
 - 28.2. With the single exception of registered indigents, all electricity consumers shall be billed according to their electricity consumption at the tariff applicable to the category in which the particular consumer falls.

- 28.3. All domestic electricity consumers of the City who are registered as indigents with the City shall receive at least the first 50 (fifty) kWh electricity consumed, free per month.
- 28.4. All vacant unimproved properties that can be connected to the main supply shall be billed a basic charge per month.
- 28.5. The consumer deposits shall be determined according the City's Consumer Deposit Policy.
- 28.6. Departmental electricity consumption shall be charged at cost. The cost is based on the cost of the previous financial year divided by the number of units sold.
- 29. Termination of services must be done in writing either by letter, e-mail, fax or standard disconnection form. If this is not done, the date on which a new connection is registered may be deemed as the disconnection date of the electricity supply.

CHAPTER 5 SUNDRY TARIFF

- 30. All sundry tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidized by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- 31. The following services shall be considered as subsidized services and an applicable tariff shall be paid for their intended use:
 - 31.1. Burials and cemeteries
 - 31.2. Rentals for the use of municipal sports facilities
 - 31.3. Municipal swimming pool
 - 31.4. Municipal lending library
- 32. The following services shall be considered as community services, and no tariffs shall be levied for their use:
 - 32.1. Municipal art gallery.

TARIFF BY-LAW

- 32.2. Disposal of garden refuse at the municipal dump site.
- 32.3. Municipal reference library.
- 32.4. Municipal botanical garden and all other parks and open spaces.
- 33. The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:
 - 33.1. Maintenance of graves and garden of remembrance (cremations).
 - 33.2. Housing rentals.
 - 33.3. Rentals for the use of municipal halls and other premises (subject to the proviso set out below).
 - 33.4. Building plan fees.
 - 33.5. Sales of plastic refuse bags.
 - 33.6. Sales of refuse bins.
 - 33.7. Cleaning of stands.
 - 33.8. Fees for new connections to electricity, water and sewerage services.
 - 33.9. Sales of livestock and plants.
 - 33.10. Photocopies and fees.
 - 33.11. Clearance certificates.
 - 33.12. Valuation certificates.
 - 33.13. Tender documents.
 - 33.14. Stadium events fees.
- 34. The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:

TARIFF BY-LAW

- 34.1. Fines for lost or overdue library books.
- 34.2. Advertising sign fees.
- 34.3. Pound fees.
- 34.4. Disconnection and reconnection fees for electricity and water services.
- 34.5. Penalty and other charges imposed in terms of the approved policy on credit control and debt collection.
- 34.6. Penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques and unpaid debit orders.
- 35. Market-related rentals shall be levied for the lease of municipal properties.
- 36. In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non- profit making purposes and for the provision of a service to the community, the Municipal Manager may waive 50% of the applicable rental.
- 37. The Municipal Manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields and in so determining shall be guided by the likelihood of City's sustaining damages as a result of the use of the facilities concerned.
- 38. **DEPARTURES**
 - 38.1. Departures from the above principles and Policy may only be made where there are sound practical reasons that prevent the implementation of the Policy at the present time and/or where the phased adoption of the Policy or policies would reduce an otherwise onerous burden on the City and/or consumers. The reasons for any departures must be recorded in writing.
- 39. **REGULAR REVIEW PROCESSES**
 - 39.1. The Policy will be reviewed on an annual basis to ensure that it complies with the City's strategic objectives and with legislation.



CITY OF MBOMBELA

WASTEWATER AND INDUSTRIAL EFFLUENT BY- LAW

[COUNCIL RESOLUTION: A (1) OF 28 JUNE2017]

CONTINUES ON PAGE 130 - PART 2



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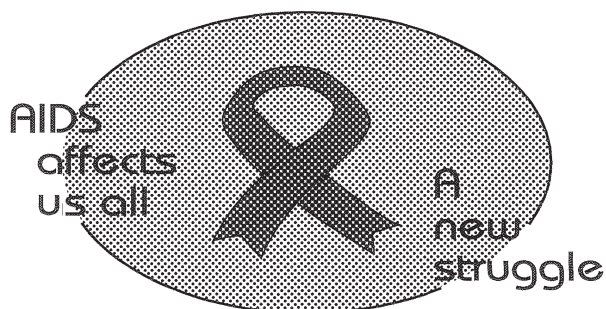
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No. 2835

PART 2 OF 3

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These by-laws are enacted and published in accordance with the provisions of section 156(2) of the Constitution, read with section 13 of the Local Government: Municipal Systems Act, 2000, which by-laws have been approved by Council in terms of section 75 of the said Municipal Systems Act.

The City of Mbombela being a Water Services Authority as defined in the Water Services Act 108 of 1997 (“the Service Authority”) hereby publishes the Drainage and Sanitation Services By-Laws set forth hereinafter, which have been made by the Water Services Authority in terms of section 21 of the Water Services Act 108 of 1997.

BY-LAWS

To provide for the provisions of water and sanitation services; to regulate the use of infrastructure provided to cater for waters and sanitation within the municipality’s area of jurisdiction; and to provide for matters incidental thereto.

BE IT ENACTED by the Council of Mbombela Local Municipality as follows:-

TABLE OF CONTENTS

CHAPTER I.....	4
1. <u>DEFINITIONS</u>	4
CHAPTER II.....	7
2. <u>SCOPE OF BY-LAWS</u>	7
CHAPTER III.....	8
3. <u>COMPLAINTS</u>	8
CHAPTER IV	8
4. <u>DOMICILIUM CITANDI AND NOTICES</u>	8
CHAPTER V	9
5. <u>PAYMENT FOR USE OF SEWER AND SANITATION SERVICES</u>	9
CHAPTER VI	9
6. <u>COMPULSORY CONSTRUCTION OF A DRAINAGE INSTALLATION</u>	9
7. <u>CONNECTION TO SEWER</u>	10
8. <u>COMMON DRAINS</u>	11
9. <u>DISCONNECTION</u>	11
10. <u>UNLAWFUL DRAINAGE WORK</u>	12
11. <u>MAINTENANCE</u>	12
12. <u>PREVENTION OF BLOCKAGES</u>	12
13. <u>CLEARING OF BLOCKAGES</u>	12
14. <u>EMISSION OF GAS OR ENTRY OF SEWAGE</u>	13
15. <u>WORK BY THE SERVICE PROVIDER</u>	13
16. <u>INTERFERENCE WITH SEWERS AND DRAINS</u>	14
17. <u>DISUSED CONSERVANCY AND SEPTIC TANK</u>	14
18. <u>OBSTRUCTION AND FALSE INFORMATION</u>	14
CHAPTER VII	15
19. <u>APPROVAL REQUIRED FOR DRAINAGE WORK</u>	15
20. <u>APPLICATION FOR APPROVAL</u>	15
21. <u>CHANGES IN APPLICATION AFTER APPROVAL</u>	18
22. <u>PERIOD OF VALIDITY OF APPROVAL</u>	18
23. <u>APPLICATION FEES</u>	18
24. <u>TESTING AND APPROVAL OF DRAINAGE INSTALLATIONS</u>	19
CHAPTER VIII	19
25. <u>HYDRAULIC LOADS CARRIED BY DRAINAGE INSTALLATIONS</u>	19
CHAPTER IX	22
26. <u>DRAIN PIPES AND FITTINGS</u>	22
27. <u>JOINTS IN AND WITH DRAINS</u>	22
28. <u>LAYING ALIGNMENT AND GRADIENTS OF DRAINS</u>	22
29. <u>DRAINS ON UNSTABLE GROUND</u>	23
30. <u>DRAINS WITHIN OR UNDER BUILDINGS</u>	23
31. <u>PROTECTION OF SHALLOW DRAINS</u>	23
32. <u>BRANCH DRAINS</u>	23

33. <u>ACCESS TO DRAINS</u>	24
34. <u>RODDING EYES</u>	24
35. <u>MANHOLES</u>	25
CHAPTER X	27
36. <u>GULLEY TRAPS</u>	27
37. <u>REQUIREMENTS FOR GULLEY TRAPS</u>	27
38. <u>GREASE INTERCEPTORS AND LIGHT-LIQUID INTERCEPTORS</u>	28
39. <u>INDUSTRIAL GREASE TRAPS</u>	28
40. <u>CLOGGING OF TRAPS, TANKS AND SIMILAR FITTINGS</u>	28
41. <u>LOCATION OF GULLIES</u>	29
CHAPTER XI	29
42. <u>VENTILATION PIPES - WHERE REQUIRED</u>	29
43. <u>CHIMNEYS OR FLUES</u>	30
44. <u>VENTILATION PIPES AND ANTI-SIPHONAGE PIPES - GENERAL</u>	30
45. <u>ANTI-SIPHONAGE PIPES</u>	31
46. <u>SIZES OF ANTI-SIPHONAGE PIPES</u>	32
CHAPTER XII	35
47. <u>SOIL WATER PIPE AND WASTE WATER PIPE SYSTEMS</u>	35
48. <u>REQUIREMENTS FOR THE ONE-PIPE SYSTEM</u>	36
49. <u>REQUIREMENTS FOR THE TWO-PIPE SYSTEM</u>	36
50. <u>GENERAL REQUIREMENTS FOR THE SINGLE STACK SYSTEM</u>	36
51. <u>SINGLE STACK SYSTEM: REQUIREMENTS FOR RESIDENTIAL AND OFFICE BUILDINGS</u>	36
52. <u>SINGLE STACK SYSTEM: ADDITIONAL REQUIREMENTS FOR RESIDENTIAL BUILDINGS</u>	37
53. <u>SINGLE STACK SYSTEM: ADDITIONAL REQUIREMENTS FOR OFFICE BUILDINGS</u>	38
CHAPTER XIII	39
54. <u>DESIGN AND INSTALLATION OF SOIL WATER PIPES AND WASTE WATER PIPES</u>	39
55. <u>LOCATION OF SOIL-WATER, WASTE-WATER, VENTILATION AND ANTI-SIPHONAGE PIPES</u> ...	40
56. <u>ACCESS TO INTERIOR OF SOIL-WATER PIPES AND WASTE-WATER PIPES</u>	41
57. <u>WASTE-WATER, SOIL-WATER, VENTILATION AND ANTI-SIPHONAGE PIPES AND FITTINGS</u> ...	41
58. <u>JOINTS BETWEEN PIPES AND PIPES AND FITTINGS</u>	42
CHAPTER XIV <u>WASTE-WATER AND SOIL-WATER FITTINGS AND FIXTURES</u>	42
59. <u>TRAPS TO WASTE-WATER FITTINGS</u>	42
60. <u>SOIL-WATER FITTINGS</u>	42
61. <u>WATER CLOSET SOIL-WATER FITTINGS</u>	43
62. <u>URINALS</u>	43
63. <u>FLUSHING OF SOIL-WATER FITTINGS</u>	44
64. <u>FLUSHING CISTERNS</u>	44
65. <u>FLUSHING VALVES</u>	45
CHAPTER XV	45
66. <u>MECHANICAL APPLIANCES FOR LIFTING SEWAGE</u>	45
CHAPTER XVI	46
67. <u>SEPTIC TANKS AND TREATMENT PLANTS</u>	47
68. <u>FRENCH DRAINS</u>	47

69. <u>CONSERVANCY TANK</u>	48
<u>CHAPTER XVII</u>	49
70. <u>STABLES AND SIMILAR PREMISES</u>	49
71. <u>WASTE FOOD OR OTHER DISPOSAL UNITS</u>	49
72. <u>DISPOSAL OF SLUDGE, COMPOST AND MANURE</u>	49
73. <u>TARIFFS AND CHARGES</u>	50
74. <u>OFFENCES AND PENALTIES</u>	50
<u>CHAPTER XVIII</u>	50
75. <u>SEWAGE OR OTHER PROHIBITED DISCHARGES NOT TO ENTER STORM WATER DRAINS</u>	50
76. <u>STORM WATER NOT TO ENTER SEWERS</u>	51
77. <u>DISCHARGES FROM SWIMMING POOLS</u>	51
78. <u>PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENTS</u>	51
79. <u>CONTROL OF INDUSTRIAL EFFLUENT</u>	52
80. <u>METERING AND ASSESSMENT OF INDUSTRIAL EFFLUENT</u>	54
81. <u>PROHIBITED DISCHARGES</u>	54
82. <u>LEAKAGES</u>	56
83. <u>REPEAL OF LAWS</u>	57
84. <u>COMMENCEMENT</u>	57
<u>APPENDIX I</u>	58
<u>APPENDIX II</u>	60
<u>APPENDIX III</u>	64
<u>APPENDIX IV</u>	72
<u>APPENDIX V</u>	74

CHAPTER I

1. DEFINITIONS

For the purpose of these by-laws and unless the context otherwise indicates -

“adequate” or **“effective”** means adequate or effective in the opinion of the Service Provider;

“approved” means approved by the Service Provider, regard being had in all cases to all the circumstances of the particular case and accepted principles of drainage installation and, in the case of any appliance, fitting or object, to the purpose for which it is intended to be used;

“anti-siphonage pipe” means any pipe or portion of pipe provided for the protection of a water seal or trap against unsealing by siphonage or back pressure;

“Apparatus” means any equipment, tool, device, meter, connection, system or network, service connection, service protection device, articulation network, communication pipe, supply mains, or part thereof, supplied or used in the supply, distribution or conveyance of services or the measurement or consumption of services;

“Authorised personnel” means any employee, agent, sub-contractor, or representative of the Service Provider or any person duly authorised by the Service Provider to perform any function under these By-Laws;

“block plan” means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of existing and proposed buildings and drainage installation or portion thereon;

“branch drain” means a drain which discharges in another drain;

“branch anti-siphonage pipe” means an anti-siphonage pipe connecting two or more individual anti-siphonage pipes to a main anti-siphonage pipe or to a ventilation pipe;

“branch pipe” means any pipe conveying soil-water or waste-water either separately or together to a stack or other vertical pipe;

“conservancy tank” means a tank used for the reception and temporary retention of the discharge from a drainage installation;

“connecting sewer” means that part of a sewerage system which connects a drain to the sewer;

“council” means the Council of the municipality;

“developed length” of any pipe means the length between two specified points on such pipe measured along the centre line of the pipe including any bend, junction or similar fitting;

“drain” means that portion of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes which does not form part of the sanitation services works and which is laid in the ground and used or intended to be used for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

“drainage installation” means and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other work or fitting or combination thereof for the conveyance of **sewage and/or on-site sanitation facilities** and which does not form part of the sanitation services works;

“drainage work” means any construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but shall not include any work undertaken solely for purposes of repair or maintenance;

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

“group” means a combination of sanitary fittings comprising not more than one each of a water-closet, wash hand basin, sink, shower, bidet and bath;

“horizontal pipe” means any soil-water pipe or waste-water pipe other than a branch pipe, which is inclined at an angle of less than 45 degrees to the horizontal;

“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 or industrial operation, including, mining operations, and includes any liquid other than soil-water or waste-water or storm water;

“individual anti-siphonage pipe” means an anti-siphonage pipe installed to protect a single sanitary fitting;

“main anti-siphonage pipe” means the pipe to which branch anti-siphonage pipes are connected and which is either extended independently to discharge into the open air or is connected to a ventilation pipe;

“Municipality” means the Mbombela Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Disestablishment of existing municipalities and establishment of new municipalities;

“occupier” in relation to any premises means:

- a) any person in actual occupation of such premises.
- b) a person indicated as such in the service agreement;
- c) a person appearing as such on the records of a Service Provider;
- d) any person legally entitled to occupy such premises;
- e) in the case of such premises being let to boarders or tenants, the person receiving the rent payable by such boarders or tenants, whether for his/her own account or as agent for any person entitled thereto, or entitled to receive such rent;
- f) any person in charge of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown.

“owner” means the owner of land in terms of the common law and includes:

- (a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of court;
- (b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- c) in relation to state land not controlled by a person contemplated in paragraph (a) or a community:
 - (i) the Minister of the Government Department or the Member of the Executive Council of the Provincial Administration exercising control over that state land; or
 - (ii) a person authorised by him or her; and
 - (iii) in relation to a Local Authority, the Municipal Manager of the Local Authority or a person authorised by him or her; and

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- (iv) in the case of such premises being let to boarders or tenants, the person receiving the rent payable by such boarders or tenants, whether for his/her own account or as agent for any person entitled thereto, or entitled to receive such rent; and

“own” shall have a corresponding meaning;

“one-pipe system” means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are carried to a drain by a common pipe and in which the water seal of the traps of all waste-water fittings connected to such installation are individually protected by anti-siphonage pipes;

“piece of land” means any piece of land registered in a deeds registry as an erf, stand, lot, plot, agricultural holding, farm or other area, or as a portion or a subdivision of such erf, stand, lot, plot, agricultural holding, farm or other area, or any defined portion not intended as a public place, of a piece of land proclaimed as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

“premises” means any land and any building, erection or structure above or below the surface of any land;

“sanitary fitting” means any soil-water fitting and any waste-water fittings;

“sanitation services” mean collectively the collection, removal, disposal, purification or treatment of human excreta, domestic waste-water, waste and sewage effluent resulting from the use of water for domestic purposes, and industrial effluent;

“sanitation services works” means all movable and immovable assets owned, built, installed or used by the Service Provider for the purpose of providing sanitation services, consisting of inter alia any treatment works, conveyance pipe, pump house, access road, pumping installation, electricity transmission line, pipeline meter, fitting or apparatus, or, if the context is appropriate any one of them built, installed or used to provide sanitation services;

“septic tank” means any tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial action;

“Services area” means the respective area or areas within the municipal boundaries of the Municipality to which sanitary and drainage services are provided by a Service Provider;

“Services Provider” means the Services Authority and any Services Provider who provides sanitary and drainage services to consumers in a services area pursuant to a written contract with the Services Authority, and “Service Provider” shall have a corresponding meaning;

“services authority” means the Municipality, a services authority as defined in the Water Services Act 108 of 1997 and “service authority” shall have a corresponding meaning;

“sewage” means soil-water, waste-water or industrial effluent whether separately or together;

“sewer” means any pipe or device which forms part of the sanitation services works and is used or designed or intended for use for or in connection with the conveyance of sewage;

“single stack system” means a modification of the one pipe system in which the water seals of the traps of the waste-water fittings or soil-water fittings are not individually protected by anti-siphonage pipes and in which

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

the system is specifically designed in terms of these by-laws to protect the water seals of the traps of all such fittings by means of the said stack with or without the aid of a supplementary ventilation pipe;

“soil-water” means any liquid containing human or animal excreta;

“soil-water fittings” means any fittings used for the reception and discharge of soil-water;

“soil-water pipe” means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

“stack” means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

“storm water” means any liquid from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

“supplementary ventilation pipe” means a pipe installation to supplement the ventilation of a single stack drainage system;

“Tariff” means the tariff of charges determined by the Service Authority from time to time in accordance with these By-Laws;

“The Service Provider” means a Service Provider having jurisdiction in a particular services area;

“treated effluent” means the liquid effluent discharged from a sewage treatment works;

“two-pipe system” means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are conveyed to a drain by separate pipes and in which the waste-water pipes are separately ventilated and are separated by traps from the drain;

“ventilation pipe” means any pipe or portion of a pipe, not conveying any liquid, used to ventilate a drainage installation;

“vertical pipe” means any soil-water pipe or waste-water pipe, other than a branch pipe, which is inclined at an angle of more than 45 degrees above the horizontal;

“waste-water” means any liquid other than soil-water, industrial effluent or storm water;

“waste-water fittings” means any fitting used for the reception and discharge of waste-water; and

“waste-water pipe” means any pipe, other than a drain, used for the conveyance of waste-water.

CHAPTER II

2. SCOPE OF BY-LAWS

- 2.1 These by-laws shall have application in the entire area falling under the jurisdiction of City of Mbombela Local Municipality.
- 2.2 These By-laws shall apply to sanitation services and every drainage installation, and in particular to the design and construction of any such installation in any new building or existing building or any installation required by the Service Provider to be constructed in terms of section 6 or to any alteration or addition to an existing drainage installation whether or not required by the Service Provider to be made in terms of these by-laws.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 2.3 Every drainage installation shall both during its construction and on its completion be subject to such inspection, approval, tests and control as the Service Provider shall deem fit or require.

CHAPTER III

3. COMPLAINTS

- 3.1 A Service Provider shall, within practical and financial constraints establish:
- (i) a central complaints/feedback office; and
 - (ii) a centralized database in order to enhance co-ordination of complaints and the resolution thereof as well as effective communication with persons using sanitation services;
- 3.2 Any person aggrieved by any decision given or acts done by authorised personnel or any officer in terms of these by-laws in connection with a drainage installation or any work connected therewith, shall have the right to complain to the Service Provider having jurisdiction.
- 3.3 Such a complaint must contain full personal and/or business particulars of the owner and/or occupier, the relevant account number, direct contact number, address and any other particulars required by the Service Provider.
- 3.4 Pending the outcome of the complaint, and if applicable, the owner and/or occupier must pay an amount equal to the average of the monthly total of the preceding three month' s accounts where history of such an account is available. Where no such history is available the owner and/or occupier shall pay an estimate provided, not later than the date due for payment thereof;
- 3.5 Failure to make interim payments as contemplated herein will render the owner and/or occupier liable for disconnection of the sanitation services.
- 3.6 Upon receipt of the complaint, the Service Provider shall give a written acknowledgment thereof, investigate the matter and inform the owner and/or occupier in writing of the outcome of such investigation. The Service Provider shall give reasons for its decision within 14 (Fourteen) days from date of written request thereto.
- 3.7 Any adjustment to the owner and/or occupier's account as a result of the investigation shall be made within one month.
- 3.8 The decision of the authorized official or Service Provider shall be final.
- 3.9 No dispute, enquiry or complaint will be reconsidered after the outcome thereof has been communicated to the owner and/or occupier and reasons therefore have been given.
- 3.10 If the owner and/or occupier is not satisfied with the outcome of the investigation, and where applicable and in such event, the owner and/or occupier must pay the amount in dispute under protest before approaching a court of law for the necessary relief.

CHAPTER IV

4. DOMICILIUM CITANDI AND NOTICES

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 4.1 Every notice, order or other document issued or served by the Service Provider in terms of these by-laws shall be valid if signed by an officer of the Service Provider duly authorised thereto.
- 4.2 Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it, or a true cope thereof, to the person to whom it is addressed personally or at his/her last known residence or place of business or by posting it in which case it shall be deemed to have been served five days after it was posted.
- 4.3 Every notice, order or other document issued or served in terms of these by-laws shall specify the premises to which it relates, but may refer to the person for whom it is intended as “the owner” or “the occupier” if his/her name is not known.
- 4.4 For the purpose of the service of any process, notice, order or other document in terms of these by-laws, the address of the owner and/or occupier registered in the records of the Service Provider shall be deemed to be the domicilium citandi et executandi of the owner and/or occupier.

CHAPTER V

5. PAYMENT FOR USE OF SEWER AND SANITATION SERVICES

- 5.1 All amounts to be paid for the use of the sewers or for discharges into the sewers or otherwise in connection with the provision of sanitation services shall be as prescribed in terms of the tariff fixed in terms of these by-laws and shall be payable by the owner and/or occupier of the premises in respect of which the amounts to be paid are raised.
- 5.2 The owner and/or occupier shall be jointly and severally liable for payment of all sanitation services and charges.
- 5.3 It is the duty of the owner and/or occupier to ensure that accounts are received and payment effected notwithstanding the fact that it may not have been received. It shall be presumed unless proven otherwise that any such account has been timeously received by the owner and/or occupier.
- 5.4 It is the duty of the owner and/or occupier to ensure that, at all times, the owner and/or occupier is not in arrears with payments.
- 5.5 Where the owner and/or occupier elects for whatever reason not to connect to the sewer, and the Service Provider can provide sanitation services, the owner and/or occupier may be charged an availability charge, notwithstanding that no connection is applied for or sanitation services rendered.

CHAPTER VI

GENERAL PROVISIONS

6. COMPULSORY CONSTRUCTION OF A DRAINAGE INSTALLATION

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 6.1 Where a sewer is available for the drainage of any premises in or on which sewage is produced, such premises shall be provided with a drainage installation connected to the sewer.
- 6.2 The owner and/or occupier of any premises not having a drainage installation terminating at a point of discharge into the sewer prescribed by these by-laws shall, within twenty weeks of receiving notice from the Service Provider requiring him/her to do so, construct or cause to be constructed a drainage installation on the premises and shall do all work necessary for and all things required in terms of these by-laws in connection with the construction of such drainage installation, and shall pay the tariff due in respect of the connection thereof to the sewer.
- 6.3 The owner and/or occupier as aforesaid shall give written notice to the Service Provider when any pail or conservancy tank service rendered to the property is no longer required, and shall remain liable for payment for that service until he/she has done so.
- 6.4 If the owner and/or occupier fails within the said period of twenty weeks to comply with a notice served on him/her in terms of this section he/she shall thereafter without detracting from his/her liability for payment in respect of the use of the sewer as prescribed by these by-laws, pay amounts at three times the prescribed tariff for the said pail or conservancy tank service until a drainage installation as required by the said notice and complying with these by-laws is connected to the sewer and the Service Provider has been notified thereof.
- 6.5 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 Service Provider may, subject to the provisions of section 66 and to any 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 shall determine.
- 6.6 Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewer is available for the drainage of the building constructed or to be constructed thereon, shall provide water closet accommodation connected to the sewer for such workmen; provided that at least 1 water closet for every 10 workmen will be provided.

7. CONNECTION TO SEWER

- 7.1 A part of a drainage installation shall not extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: Provided that, where it considers it necessary or expedient to do so, the Service Provider may permit the owner to lay a drain at his/her own expense through an adjoining piece of land on proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Service Provider may require.
- 7.2 A Service Provider shall have the right to prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connection so to be made and may, at its discretion, having regard to the necessity of maintaining correct levels, require the owner and/or occupier not to commence the construction or the connection of the drainage installation as the case may be, until the connecting sewer has been laid.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 7.3 Without prejudice to the provisions of Section 23 concerning the testing of drainage installations, the Service Provider shall, as soon as practicable after being notified by the owner and/or occupier that the drainage installation on his/her premises is ready for connection to the sewer, at the owner and/or occupier's own expense, effect the connection or cause it to be effected.
- 7.4 A connection required by the owner and/or occupier subsequent to that made by the Service Provider shall be subject to the approval of the Service Provider and shall be effected at the owner and/or occupier's expense.
- 7.5 A person shall not permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the drainage installation has been connected to the sewer.
- 7.6 Save as may be otherwise authorised by the Service Provider, in writing, no person other than authorised personnel, shall connect any drainage installation to the sewer.

8. COMMON DRAINS

A Service Provider may permit a drainage installation on any two or more pieces of land, whether or not in the same ownership, to discharge into the sewer through a common drain.

9. DISCONNECTION

- 9.1 Except for the purposes of and for carrying out of any work of maintenance or repair, no soil-water fitting to soil-water pipes shall be disconnected from any soil-water pipe or drain, and no drain shall be disconnected from any other drain or from a sewer without the prior lodging and approval of an application in the manner, so far as applicable, prescribed in terms of section 20 : Provided that no payment shall be required by the Service Provider in respect of an application made in terms of this section.
- 9.2 Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless the Service Provider shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of the Service Provider.
- 9.3 Due notice in writing in advance of any disconnection shall be furnished to the Service Provider who shall, after the requirements of this section have been complied with and on request of the owner and/or occupier, issue a certificate to the effect that the disconnection has been completed in terms of these by-laws and that any amounts raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: Provided that until such certificate shall have been issued by the Service Provider any such amounts to be paid shall continue to be raised.
- 9.4 When a drainage installation is disconnected from a sewer, the Service Provider shall seal the opening to the sewer so made and the Service Provider shall recover from the owner and/or occupier the tariff prescribed for such work.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 9.5 A person who, without the permission of the Service Provider breaks or removes or caused or permits the breakage or removal of such seal referred to in this section, shall be guilty of an offence and liable on conviction to a fine not exceeding R2000-00 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

10. UNLAWFUL DRAINAGE WORK

- 10.1 Where any drainage work has been performed without complying with the provisions of these by-laws concerning the submission and approval of plans the owner and/or occupier shall, on receiving written notice by the Service Provider to do so, comply with the said provisions within the period prescribed in that notice.
- 10.2 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, the owner and/or occupier shall on receiving written notice by the Service Provider to do so, and notwithstanding that he/she may have received approval of plans in respect of the said installation or work in terms of these by-laws, carry out such alterations to the installations, remove such parts thereof and carry out such work as, and within the time which the notice may specify.
- 10.3 The Service Provider may, instead of serving notice as aforesaid or 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 may recover the cost thereof from the owner and/or occupier by the ordinary process of law.
- 10.4 Should the Service Provider at any time become aware of any installation which does not comply with the provisions of these by-laws or that any provision thereof has or is being contravened it may, forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and the Service Provider may recover from the owner and/or occupier the appropriate amounts prescribed in terms of these by-laws.

11. MAINTENANCE

- 11.1 An owner and/or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon.
- 11.2 Where any part of a drainage installation is used by two or more owners and/or occupiers, the owners of both properties shall be jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

12. PREVENTION OF BLOCKAGES

A person shall not cause or permit an accumulation of human excrement, grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting or any substance that will or is likely to block it or prevent its effective operation and shall where applicable and necessary comply with Chapter X: Gullies, Interceptors and Traps.

13. CLEARING OF BLOCKAGES

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 13.1 When the owner and/or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, which would have an effect on the sanitation services works, he/she shall forthwith report the fact to the Service Provider.
- 13.2 Where such a blockage occurs in a drainage installation, any work necessary for its removal shall, be done by or under the supervision of a plumber or drain layer licensed in terms of these by-laws.
- 13.3 Any plumber or drain layer licensed as aforesaid shall, before proceeding to remove any such blockage from a drainage installation, notify the Service Provider by telephone or otherwise of his/her intention to do so, and shall when he/she has done so, notify the Service Provider of that fact and of the nature, location and cause of the said blockage.
- 13.4 The Service Provider itself shall, whether or not it has been requested by the owner and/or occupier to do so, be entitled in its own discretion to remove such a blockage from a drainage installation and the Service Provider may recover the costs thereof from the owner and/or occupier in accordance with the tariff prescribed in terms of these by-laws.
- 13.5 Should the clearing by the Service Provider of any such blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn, gardening or other artificial surfacing or structures on any premises, the Service Provider shall not be liable for the reinstatement or rehabilitation thereof.
- 13.6 Should any drainage installation on any premises overflow as a result of such an obstruction in the connecting sewer, and the Service Provider is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner and/or occupier of the premises served by the drainage installation shall be jointly and severally liable for the cost of clearing the blockage in accordance with the tariff prescribed in terms of these by-laws.
- 13.7 Where such a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the amounts to be paid for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners and/or occupiers thereof, who shall, however, be jointly and severally liable for the whole amount.

14. EMISSION OF GAS OR ENTRY OF SEWAGE

- 14.1 When in the opinion of the Service Provider a nuisance exists owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Service Provider may require the owner and/or occupier, at his/her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- 14.2 Where any sewage, after being discharged into a drainage installation, enters any soil-water fitting or waste-water fitting connected to the same drainage installation whether by reason of surcharge, back pressure or any other circumstances, the Service Provider may by notice in writing require the owner and/or occupier to carry out within the period specified by such notice any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

15. WORK BY THE SERVICE PROVIDER

- 15.1 Where any person has been required by the Service Provider by notice in terms of these by-laws to carry out any work whether by way of construction, repair, replacement or maintenance

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

and has failed to do so within the time stipulated in such notice, the Service Provider, without prejudice to its right also to proceed against him/her for a contravention of these by-laws, proceed itself to carry out the work and may recover by the ordinary process of law applicable to the recovery of a civil debt the entire cost of so doing from the person to whom the notice was directed.

- 15.2 Where any work other than that for which a fixed amount is prescribed in terms of these by-laws is done by the Service Provider, the costs of which it is entitled in terms of these by-laws to recover from any person, there may be included in such costs such sum as will reasonably cover all expenditure reasonably incurred by the Service Provider.
- 15.3 Any damage caused to the drainage installations, sewers or any part of the sewerage or sewage treatment system by or in consequence of the non-compliance with or contravention of any provision of these by-laws shall be rectified or repaired by the Service Provider at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

16. INTERFERENCE WITH SEWERS AND DRAINS

- 16.1 Only authorised personnel shall break into, enter or in any other manner whatsoever interfere with any part of the sanitation services works, whether or not situated on premises owned or controlled by the Service Provider.
- 16.2 No person shall break into, enter or in any other manner whatsoever interfere with any drain, trap, screen, inspection chamber or other work or any part of any drainage installation: Provided that this prohibition shall not apply to alterations to any drainage installation undertaken by a licensed drain layer carrying out work in accordance with plans approved by the Service Provider nor to any maintenance work carried out by a licensed drain layer or other person authorised by the Service Provider to undertake such work.

17. DISUSED CONSERVANCY AND SEPTIC TANK

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 and/or occupier shall either cause it to be completely emptied and the contents disposed of in a safe manner, and the entire structure removed or to be completely filled with earth or other suitable material: Provided that the Service Provider may require such tank to be otherwise dealt with, or it may permit it to be used for some other purpose subject to such conditions as it may consider necessary, regard being had to all the circumstances of the case.

18. OBSTRUCTION AND FALSE INFORMATION

- 18.1 Council's authorised personnel shall have the right to enter upon any premises or any piece of land at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which may be deemed necessary by the Service Provider.
- 18.2 An owner and/or occupier of premises who denies or causes or suffers any other person to deny entry to premises to authorised personnel demanding lawful entry, or who obstructs or causes or suffers any other person to obstruct authorised personnel in the performance of their

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

duties, or who withholds or causes or suffers any person to withhold information required by authorised personnel for the purposes of carrying out their said duties, or who gives or causes or suffers any other person to give to authorised personnel any information which is to his/her knowledge false, shall be guilty of an offense.

CHAPTER VII

APPROVAL OF PLANS AND APPROVAL AND TESTING OF DRAINAGE INSTALLATIONS AND FITTINGS

19. APPROVAL REQUIRED FOR DRAINAGE WORK

- 19.1 No person shall construct, reconstruct, alter, add to or make any temporary or permanent disconnection in or of any drainage installation without first having obtained the approval of the Service Provider in writing.
- 19.2 No drainage work mentioned in section 20 for which approval has been given as provided for in terms of these by-laws shall be commenced with until after the expiration of 48 hours after notice in writing has been served on the Service Provider stating the day on and time at which it is intended to commence the work.
- 19.3 Any person who commences any drainage work without applying to the Service Provider for approval thereof or before his/her application has been granted, or without giving notice as prescribed in terms of this section, or before the expiry of such notice, or who carries out any work otherwise than in accordance with the approval thereof given by the Service Provider by notice in writing to cease the work forthwith and for every day on which work is continued in contravention of such notice, shall without prejudice to any other penalty he/she may have incurred with regard to the same drainage work, be guilty of an offense.
- 19.4 Before any part of a drainage installation is permanently covered or otherwise rendered permanently inaccessible to visual inspection it shall be inspected and approved by the Service Provider and any person who shall have so covered or rendered inaccessible any part of any installation before such inspection has been made and such approval has been given shall, on being required by the Service Provider to do so, at his/her own expense remove the covering and do whatever else that may be necessary to enable the Service Provider to carry out the said inspection and shall in addition thereto be guilty of an offense.
- 19.5 Approval by the Service Provider of an application made in terms of this section shall be conveyed to the applicant in writing within 48 hours from the date of application.

20. APPLICATION FOR APPROVAL

- 20.1 Every person shall, before commencing to construct, reconstruct, alter, add to, open or disconnect from a drain or from a sewer or connecting sewer any drainage installation, lodge with the Service Provider an application on a form provided by the Service Provider and signed by the owner and/or occupier of the premises concerned or his/her architect or other authorised agent, for approval of the work proposed together with the fees prescribed in terms of Section 23.

- 20.2 An application as required shall be accompanied by one or more sets of drawings as the Service Provider may require, each set comprising a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work: Provided that where the particulars required sufficiently appear on the other drawings herein referred to, no block plan need be furnished with the application.
- 20.3 One set of the required drawings shall be made in legible prints with a white background and shall be signed, the minimum size of all drawings to be not less than A4 (197mm by 240mm).
- 20.4 The plans, elevations and sections of the required drawings shall be drawn to a natural scale of not smaller than 1:200 except in the case of block plans which shall be to a natural scale of not smaller than 1:500.
- 20.5 The plans, elevations and sections shall show -
- 20.5.1 the position and arrangement in any building of every waste-water and soil-water fitting to be installed therein;
 - 20.5.2 the size, gradient and position of every drain, the size and position of every manhole, gully trap, bend, soil-water pipe, waste-water pipe, anti-siphonage pipe and ventilation pipe, and the means of access to and inspection of drains;
 - 20.5.3 the position and height of all chimneys, buildings, windows and other openings within a distance of 6m from the open end of any ventilation pipe;
 - 20.5.4 the levels of the floors of the building, of any meters and in the case of sections, the levels of the ground in relation to the levels of drain throughout its length; and
 - 20.5.5 as much as is necessary of any existing drainage installation which will be affected by the proposed work.
- 20.6 The block plan shall show -
- 20.6.1 the full extent of the piece of land on which the drainage work is to be carried out and the position of the buildings and the existing and proposed drains thereon;
 - 20.6.2 the title deed description of the piece of land on which the drainage work is to be carried out and of all pieces of land contiguous thereto, the name of the township, agricultural holding or farm, and the name of any street on which any part of the said piece of land abuts;
 - 20.6.3 the north point; and
 - 20.6.4 On the drawings of drainage installations submitted in terms of these by-laws the terms specified in the left-hand column of the following table shall be depicted in the colour shown opposite to them in the right-hand column.

Table 1

Drains and soil-water pipes	Brown
Ventilation pipe to drains and soil-water pipes	Red
Waste-water pipes	Green

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Pipes for the conveyance of industrial effluent	Orange
Ventilation pipes to waste-water pipes	Blue
Existing approved drainage installations	Black

20.6.5 On the drawings the items specified in the left-hand column of the following table shall, if abbreviations are used, be identified by the abbreviations shown opposite to them in the right-hand column -

Access eye	AE
Anti-siphonage pipe	ASP
Bath	B
Bidet	By
Cast-iron pipe	CIP
Cleaning eye	CE
Earthenware pipe/Vitrified clay pipe	EWP
Fresh-air inlet	FAI
Gulley	G
Gulley-dished	DG
Grease trap	GT
Inspection chamber	IC
Inspection eye	IE
Manhole	MH
Outlet ventilation pipe	OVP
Rainwater pipe	RWP
Rodding eye	RE
Sink	S
Shower	Sh
Slop hopper	SH

Soil-water pipe	SP
Soil-water ventilation pipe	SVP
Urinal	U
Ventilation pipe	VP
Water closet	WC
Wash trough	WT
Waste-water ventilation pipe	WVP
Waste-water pipe	WP

- 20.7 Approval by the Service Provider of an application made in terms of this section shall be conveyed to the applicant in writing within 21 (Twenty One) days from receipt thereof.

21. CHANGES IN APPLICATION AFTER APPROVAL

- 21.1 After approval by the Service Provider of an application has been conveyed to the applicant in writing, a departure or deviation from the work as so approved may thereafter be made with the prior written consent of the Service Provider, only after the applicant has submitted an application for such departure or deviation, accompanied by the drawings and particulars specified and containing a clear indication of the nature of the proposed departure or deviation and of any part of the original proposed work which is to be superseded, altered or revised.
- 21.2 An application made in terms hereof shall be deemed to be a new application for which the fee prescribed shall be payable and in respect of which the provisions relating to approval by the Service Provider shall apply.

22. PERIOD OF VALIDITY OF APPROVAL

- 22.1 An approval given by the Service Provider shall become invalid in respect of any work covered by such approval which has not commenced within twelve calendar months of the date on which it was given unless the said work is associated with building operations which have commenced during the said twelve months.
- 22.2 Where work, not being work associated with building operations, has not been commenced within the said twelve months the applicant shall, before proceeding with it, submit a new application form as prescribed, which application shall be deemed for all purposes to be a new application, and the applicant shall not be entitled to a refund of any fees paid in respect of the original application but shall, on making the new application, pay to the Service Provider the fees prescribed for a new application.

23. APPLICATION FEES

- 23.1 The fees prescribed in terms of these by-laws shall be payable to the Service Provider in advance for the consideration of an application or for any such testing of any fitting as may be

deemed necessary by the Service Provider prior to giving its approval thereto and no consideration shall be given to the application until the said fees have been paid.

- 23.2 Where an application is refused or withdrawn, the Service Provider may in its absolute discretion retain or refund the whole or any part of the fee paid in respect thereof.

24. TESTING AND APPROVAL OF DRAINAGE INSTALLATIONS

- 24.1 After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the sewer or an existing approved installation, any one or more or all of the following tests shall in the presence of authorised personnel be conducted and completed to the satisfaction of the Service Provider
- 24.1.1 the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, during the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
- 24.1.2 a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- 24.1.3 After all openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm of water for a period of at least three minutes.;
- 24.2 The aforesaid tests shall be carried out and the apparatus therefore shall be supplied at no expense to the Service Provider.
- 24.3 Where the Service Provider has reason to believe that any drainage installation or any part thereof has become defective it may require the owner and/or occupier thereof to conduct, at no expense to the Service Provider, any or all of the tests prescribed, and if the installation fails to withstand any such tests to the satisfaction of the Service Provider, it may call upon the owner and/or occupier to carry out at his/her own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of the said tests.
- 24.4 A qualified plumber or drain layer registered with the Service Provider in accordance with these by-laws must submit duplicate copies of the Certificate of Competence (COC), in the prescribed form, before a "Drainage Inspection Certificate" can be issued by the Service Provider for the applicable drainage installation.

CHAPTER VIII

25. HYDRAULIC LOADS CARRIED BY DRAINAGE INSTALLATIONS

- 25.1 The hydraulic load discharge into or carried by a drain, a soil-water pipe or a waste-water pipe shall be calculated in units, hereinafter referred to as discharge units.

- 25.2 The hydraulic load at any point in a drain, soil-water pipe or waste-water pipe shall be the sum of the discharge units of all sanitary fittings the discharges from which enter such drain or pipe upstream of that particular point.
- 25.3 The hydraulic load expressed in discharge units discharged from any sanitary fitting specified in column 3 of the following table (table 2) shall be as specified in column 2 and in the case of any sanitary or other fitting not specified in the table, the hydraulic load shall be as specified in column 2 for the relevant diameter of the outlet of the trap of such fitting as specified in column 1.

Table 2

1 Nominal Diameter of Trap (mm)	2 Hydraulic Load in Discharge Units	3 Sanitary Fitting
32	$\frac{1}{2}$	Wash-hand basin, bidet
38	1	Bath, sink, shower, wash trough, wall hung urinal
50	$1\frac{1}{2}$	
75	$2\frac{1}{2}$	Channel type urinal
100	4	Water closet

- 25.4 The hydraulic load of all sanitary fittings the discharges from which are conveyed by a drain or part of a drain having a nominal diameter set out in column 1 of the following table (table 3) and a gradient set out in either column 5, 6, 7 or 8 shall not exceed the number of discharge units set out in the said table for such diameter and gradient of drain.

Table 3

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

MAXIMUM PERMISSIBLE HYDRAULIC LOAD IN DISCHARGE UNITS

1	2	3	4	5	6	7	8
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Nominal pipe or drain (mm)	Carried by a Vertical Pipe or Stack	Carried by a Branch Pipe	Carried by a Horizontal Pipe	Carried by a Drain having a Gradient flatter than 1:100	Carried by a Drain having a Gradient between 1:50 and 1:100	Carried by a Drain having a Gradient between 1:25 and 1:50	Carried by a Drain having a Gradient steeper than 1:25
32	1	½	½	not permitted	not permitted	not permitted	not permitted
38	8	2	2	not permitted	not permitted	not permitted	not permitted
40 OD	3	1	1	not permitted	not permitted	not permitted	not permitted
50 OD	16	3	3	not permitted	not permitted	not permitted	not permitted
50	24	4	4	not permitted	not permitted	not permitted	not permitted
65	42	10	10	not permitted	not permitted	not permitted	not permitted
75 OD	64	12	18	not permitted	not permitted	not permitted	not permitted
75	95	20	30	not permitted	not permitted	not permitted	not permitted
100 (110 OD)	500	90	175	1400	2000	2850	4000
125	1100	200	400	2600	3500	5100	7000
150 (160 OD)	1900	350	700	4100	6000	8500	12000
200	3600	600	1400	8700	13000	18000	25000
225	-	-	1900	12000	17500	24500	30000
250	-	-	2500	16000	23000	32000	45000
300	-	-	3900	26000	37500	52000	73500
375	-	-	7000	46500	67500	74000	132500

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

OD denotes nominal outside diameter.

- 25.5 The nominal diameter of any drain shall be not less than 100mm and no drain shall be laid to a gradient flatter than 1 in 60 without the consent of the Service Provider.

CHAPTER IX

SEWERS, DRAINS AND MANHOLES

26. DRAIN PIPES AND FITTINGS

- 26.1 All pipes, junctions, bends and associated fittings forming part of a drain shall be SABS approved and shall be made of material approved by the Service Provider.
- 26.2 All pipes, junctions, bends and associated fittings forming part of a drainage installation shall be installed in accordance with supplier specifications and in a manner approved by the Service Provider.

27. JOINTS IN AND WITH DRAINS

- 27.1 All joints between pipes and appliances and fittings in a drainage installation shall be such that adjacent pipe barrels are concentric, inverts are true to line and grade and there are no internal obstructions.
- 27.2 All joints as aforesaid shall be so made that they are air and water-tight and that a badger of 6mm less in diameter than the nominal internal diameter of the pipe can pass freely through them.
- 27.3 The joints between pipes, and installation of pipes and fittings of other approved material, shall be installed as per the supplier specification and approved by the Service Provider.
- 27.4 Alternative approved methods of jointing pipes and associated fittings may be approved by the Service Provider.
- 27.5 Where in the opinion of the Service Provider the nature of the soil in which any pipes and associated fittings are to be laid is such that ground movement, which may result in fracture of the pipes or fittings, is likely to occur, flexible joints shall be formed either by the use of approved special pipes and fittings or by the use of approved jointing material which will permit joint movement to take place throughout the life of the drainage installation and withstand root penetration and not swell or deteriorate when in contact with sewage or water.

28. LAYING ALIGNMENT AND GRADIENTS OF DRAINS

- 28.1 No person other than a qualified plumber or drain layer, who is registered with the Service Provider in terms of the by-laws, , shall lay drains.
- 28.2 Drains shall be laid in a straight line and at a uniform gradient between the points of access referred to in section 33 and in such manner that the barrel of every pipe is firmly supported throughout its length, and when so required by the Service Provider shall be laid on a bed of concrete or river sand.

28.3 Drains shall be laid at a gradient not steeper than 1 in 6 or flatter than 1 in 60: Provided that the Service Provider may at its discretion and on such conditions as it may prescribe, permit -

28.3.1 a gradient steeper than 1 in 6 or a gradient flatter than 1 in 60; and

28.3.2 the construction of portions of drains in the form of inclined ramps at a slope not exceeding 45° below the horizontal.

29. DRAINS ON UNSTABLE GROUND

Drains passing through ground which in the opinion of the Service Provider is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints complying with the requirements of Section **Error! Reference source not found.**5.

30. DRAINS WITHIN OR UNDER BUILDINGS

30.1 A drain or part thereof may be laid or may pass, as the case may be, within or under or through a building unless the Service Provider shall decide otherwise, having regard to considerations of health and maintenance or other matters relevant to the particular case.

30.2 A drain or part thereof shall, where it is laid in an inaccessible position under a building, be without means of access to the part under the building, and except where the Service Provider permits a change of direction or gradient to or from the vertical, shall be without change of direction or gradient.

30.3 A drain or part thereof constructed of pipes made of uPVC solid wall normal duty pipes and twin wall heavy duty pipes shall, where it is laid in an inaccessible position under a building and except where otherwise permitted by the Service Provider, be encased in concrete of at least 100mm thick, measured from the external surface of the pipe, having a composition of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate.

30.4 Where a drain or part thereof is laid in an exposed position within a building, it shall be constructed of pipes made of approved material and shall be adequately supported at intervals not exceeding 2m along its course.

30.5 If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the transmission of any load to such drain.

31. PROTECTION OF SHALLOW DRAINS

Any portion of a drain which is 450mm or less below the surface of the ground shall be encased in concrete composed of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate and having a minimum thickness at all points of 100mm measured from the external surface of the pipe.

32. BRANCH DRAINS

32.1 Every branch drain shall be connected to another drain by means of a junction, not being a saddle junction, made especially for the purpose of such connection.

- 32.2 Every branch drain shall enter the other drain obliquely in the direction of the flow so that the included angle between the axes of the two drains does not exceed 45°.

33. ACCESS TO DRAINS

- 33.1 Every drain shall be provided as a means of access thereto with a manhole as prescribed in terms of these by-laws or with an access eye with or without a rodding eye, as the Service Provider may require, at the following points -
- 33.1.1 within 1,5m of the point of connection with the connecting sewer;
 - 33.1.2 within 1,5m of the upper extremity of every drain or branch drain;
 - 33.1.3 at every change of direction of the drain, whether horizontal or vertical;
 - 33.1.4 at every point of junction with another drain;
 - 33.1.5 there shall in any case be a point of access to every drain at intervals of not more than 25m;
 - 33.1.6 access to the interior of a drain shall be provided by means of either manholes or access pipes; and
 - 33.1.7 the lids of openings in access pipes shall be sealed with such approved material as will remain effective as a seal at all temperatures up to 70°C.
- 33.2 Where for any reason the provision of adequate means of access within 1,5m of the point of connection with the connecting sewer is impracticable on any private premises the Service Provider may, at the owners and/or occupier's expense cause or permit a manhole to be constructed over the connecting sewer in such public place and in such position and of such materials and dimensions as the Service Provider may decide and in addition the owner and/or occupier shall bear the cost, as assessed by the Service Provider, of any alteration to an existing service in such public place which may by reason of the construction of the manhole be necessary.
- 33.3 The owner and/or occupier of the private premises referred to in herein shall, if required by the Service Provider, pay to the Service Provider the amounts set out in the relevant tariffs prescribed in terms of these by-laws as rental for the area of the public place occupied by the manhole.
- 33.4 The points of access to drains laid beneath paved areas shall be covered by adequate and appropriately marked removable slabs on the surface.
- 33.5 Where any part of a drainage installation passes under a building, it shall be provided with adequate means of access outside and as near as possible to the building at each point of its entry to and exit from the building.
- 33.6 In any circumstances not provided for in these by-laws, the Service Provider may require that access eyes or other approved means of access to a drain or to any part thereof be provided in such positions as it may deem necessary to render the interior of any part of such drain readily accessible for cleaning or inspection.

34. RODDING EYES

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 34.1 Rodding eyes required by the Service Provider in terms of Section 33.1 shall be provided in the positions specified and shall comply with the prescribed requirements.
- 34.2 A rodding eye shall be provided -
- 34.2.1 within 1,5m of the point of connection between the drain and the connecting sewer;
 - 34.2.2 at the upper extremity of every drain;
 - 34.2.3 at every change of direction, whether such change of direction is horizontal or vertical;
 - 34.2.4 at the upper extremity of every branch drain the developed length of which is in excess of 3m; and
 - 34.2.5 at points not exceeding 25m apart along the drain.
- 34.3 Every rodding eye shall -
- 34.3.1 be constructed with pipes made of uPVC solid wall or of other material approved by the Service Provider and shall join the drain in the direction of the flow at an angle of not more than 45° and be continued upwards to ground level;
 - 34.3.2 be completely encased in concrete not less than 100mm thick measured from the external wall of the pipe composed of 6 parts of stone, 3 parts of sand and 1 part cement;
 - 34.3.3 in the case of a rodding eye which is inclined from the vertical have the concrete casing adequately supported by a pier constructed of concrete of similar composition; and
 - 34.3.4 be fitted with an approved cover plate secured by bolts or screws made of brass or other corrosion-resistant material and surmounted by an approved concrete box with a cover and frame measuring 300mm x 300mm and finished off with a 100mm wide granolithic surround level with the surrounding ground level: Provided that if a rodding eye is exposed to vehicular traffic, the cover and frame shall be of a heavy duty type approved by the Service Provider.

35. MANHOLES

- 35.1 Every manhole in a drainage installation shall unless otherwise permitted by the Service Provider, be located in an open air space.
- 35.2 Every manhole shall be so constructed as to prevent the infiltration of water.
- 35.3 The walls of every manhole shall be constructed of concrete or brickwork supported on a concrete base not less than 150mm thick composed of not less than 1 part by volume of cement to 2 parts of final aggregate and 4 parts of coarse aggregate.
- 35.4 Except when otherwise permitted by the Service Provider the walls of any manhole shall, if constructed of brick work, be not less than 215mm thick and if constructed of concrete be not less than 150mm thick.
- 35.5 All bricks used in the construction of a manhole shall be hard and well burnt and shall be laid in a mortar consisting of not more than 3 parts of sand to 1 part of cement, and if the walls are constructed of concrete such concrete shall be composed of not less than 1 part of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- 35.6 Where the base of a manhole is traversed by an open channel -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 35.6.1 the sides of the channel shall be brought up vertically to the soffit of the outgoing pipe and from that level the floor of the base of the manhole shall rise continuously to its walls at a slope of not less than 1 in 5;
- 35.6.2 the walls shall be plastered internally with cement plaster not less than 12mm thick composed of not more than 4 parts of sand to 1 part cement;
- 35.6.3 the walls and floor shall be steel trowel led to a smooth finish;
- 35.6.4 The walls of the manhole or the walls of any shaft giving access thereto shall be carried up to the level of the surrounding ground or floor;
- 35.6.5 Access to the interior of the manhole shall be provided by means of cover and frame complying with SABS **No 558** supported by reinforced concrete slab; or the walls may be corbelled to support such frame and cover; and
- 35.6.6 The top of the manhole shall be finished off with granolithic surround not less than 150mm wide trowel led to a smooth finish.
- 35.7 Where a manhole is constructed in a place traversed by -
- 35.7.1 heavy vehicles, it shall be provided with a heavy duty cover; and
- 35.7.2 motor cars or similar light vehicles, it shall be provided with either a medium or heavy duty cover.
- 35.8 Every manhole exceeding 2m in depth shall have an unobstructed internal working height of at least 1,8m measured from the highest point of the floor thereof, and where the floor of a manhole is more than 1m below the cover, such step-irons shall be provided in its walls as will ensure safe and convenient access to its base.
- 35.9 The internal length and width of a manhole shall be determined according to the depth between the cover and the lowest invert level of the manhole and shall in no case be less than the dimensions set out in the following table –

Table 4

Depth	Length	Width
Not exceeding 750mm	600mm	450mm
Exceeding 750mm but not exceeding 2m	900mm	600mm
Exceeding 2m	1m	750mm

- 35.10 The dimensions of the access opening to a manhole provided with -
- 35.10.1 a rectangular cover shall not be less than 450mm by 600mm;
- 35.10.2 a square cover shall not be less than 600mm by 600mm; and
- 35.10.3 a circular cover shall not be less than 550mm in diameter.

- 35.11 Where a pipe leading to a manhole is at a higher level than the outlet pipe of the manhole, it shall be brought down to the invert level of the manhole by means of an inclined pipe encased in concrete and located outside the manhole, which pipe shall also be continued upwards to the surface of the ground and shall there terminate in a removable watertight cover or other similar approved device: Provided that where permitted or required by the Service Provider the pipe at the higher level may be extended horizontally to terminate with or without a watertight cover in the manhole and in this case the inclined pipe needs to be continued upwards to the surface of the ground.
- 35.12 The recess in the frame of every manhole cover having a single seal shall be filled with grease having a high melting point and the cover shall be set therein to form an airtight seal.

CHAPTER X

GULLIES, INTERCEPTORS AND TRAPS

36. GULLEY TRAPS

- 36.1 Every drainage installation shall have one gulley trap provided with a dished gulley and a tap above supplied with running water and, except where a mechanical appliance for the raising of sewage is installed, the top of such gulley shall be not less than 150mm below the crown of the lowest situated trap of any sanitary fitting connected to the drainage installation.
- 36.2 No drainage installation shall have more than one gulley trap connected to it, unless otherwise authorised by the Service Provider.
- 36.3 Where it is impracticable for any waste-water pipe to be made to discharge into the gulley trap required or into a gulley trap authorised by the Service Provider such waste-water pipe shall be connected directly to a drain or to a soil-water pipe and the water seal of every trap connected to such waste-water pipe shall be protected in accordance with the requirements of these by-laws for the protection of water seals of traps installed on the one-pipe system.

37. REQUIREMENTS FOR GULLEY TRAPS

- 37.1 Every gulley trap shall have a minimum internal diameter of 100mm and a water seal at least 65mm in depth.
- 37.2 Every gulley trap shall be kept covered with a grating. The spaces between the bars of the grating shall be not less than 10mm or more than 12mm wide, and shall have an effective open area at least equal to the minimum cross-sectional area of the trap.
- 37.3 Every gulley trap laid in the ground shall be bedded on concrete not less than 100mm thick.
- 37.4 Every dished gulley shall rise at least 75mm above the level of the grating covering the gulley trap and in no case less than 150mm above the level of the surrounding ground; and the levels of the top of all other gullies shall be at least 150mm above the surrounding ground.
- 37.5 The surface level of water in any gulley trap shall not be more than 500mm below the top of the dished gulley.

- 37.6 Where it is impracticable to comply with the dimension requirements as prescribed, the gulley trap shall be located in a manhole the walls of which shall be brought up to a height of at least 150mm above the surrounding ground and covered with an approved metal grating.
- 37.7 Every waste-water pipe which discharges into a gulley shall discharge at a point below the grating but above the surface of the water seal of the gulley trap.

38. GREASE INTERCEPTORS AND LIGHT-LIQUID INTERCEPTORS

- 38.1 Interceptors of approved type, size and capacity shall be installed by the owner and/or occupier in addition to a gulley, as the Service Provider may decide, to take the discharge of waste-water from every sink or other fitting in -
- 38.1.1 every building the waste-water from which is disposed of in French drains or other similar works, and
- 38.1.2 any place where in the opinion of the Service Provider the discharge of grease, oil or fat is likely to cause an obstruction to the flow in sewer or drains, or interfaces with the proper operation of any sewage treatment system.
- 38.2 Rational Drainage Design must be submitted with the drainage plan submitted for approval prior to commencement of the drainage installation in accordance with the Service Provider's formula in Appendix VI.
- 38.3 Owners and/or occupiers of premises at which the Service Provider requires interceptors to be installed, must provide the following details in writing to the Service Provider in regard to the relevant interceptor: make; size, position at premises; time schedule of cleaning and the details of the accredited / approved contractor or plumber to clean the interceptors. This information must be provided by the owner and/or occupier to the Service Provider every 2 years, or in the event any information changed.
- 38.4 All premises discharging oil or grease must, within 12 months of promulgation of the Amendment By-law, comply with the following minimum specifications, unless otherwise required by a Service Provider:
- 38.4.1 Grease: A minimum 4 litre per second grease interceptor; and
- 38.4.2 Oil: A minimum 5 litre per second oil interceptor.

39. INDUSTRIAL GREASE TRAPS

- 39.1 Industrial effluent which contains or, in the opinion of the Service Provider, is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, 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.
- 39.2 Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20°C, shall be intercepted and retained in a tank or chamber as to prevent the entry thereof into the sewer.
- 39.3 The retaining tank or chamber shall comply with the following requirements -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

39.3.1 it shall be of adequate capacity, constructed of hard durable materials and watertight when completed;

39.3.2 the water-seal formed by its discharge pipe shall be not less than 300mm in depth; and

39.3.3 it shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.

40. CLOGGING OF TRAPS, TANKS AND SIMILAR FITTINGS

No person shall cause or permit such accumulation of grease, oil fat or solid matter in any trap, retaining tank, chamber or other fitting as will prevent its effective operation.

41. LOCATION OF GULLIES

41.1 The inlet of every gulley trap, grease trap or stable gulley shall be situated outside of any building or in a place permanently open to the external air to an approved extent, and shall at all times be readily accessible for the purposes of cleaning or maintenance to the satisfaction of the Service Provider.

41.2 Every floor in a factory, stable or other premises from which liquid is discharged continuously or intermittently to a gulley shall have an impervious, smooth and durable surface and such gulley may be situated within a building, provided that the pipe receiving the discharges from such gulley discharges into another gulley trap the inlet of which is situated as required in terms of section 36.1.

41.3 A gulley trap or traps may be situated within any building in which an automatic water sprinkler system is installed to receive the water from such system, provided that the pipe or pipes receiving the discharges from such trap or traps are made to discharge into another gulley trap the inlet of which is situated as required in terms of section 36.2.

CHAPTER XI

VENTILATION PIPES AND ANTI-SIPHONAGE PIPES

42. VENTILATION PIPES - WHERE REQUIRED

42.1 A ventilation pipe complying with the relevant requirements set out in Section 44 shall be provided for -

42.1.1 every drain;

42.1.2 every branch drain the developed length of which exceeds 6m measured from the outlet of any sanitary fittings or traps served by it to its point of connection with a ventilation drain;

42.1.3 every soil-water pipe the developed length of which, inclusive of the developed length of any unventilated drain into which is discharges, exceeds 6m measured from the outlet of any sanitary fitting served by it to the point of connection to a ventilated drain;

42.1.4 every branch soil-water pipe which receives the discharges from only one sanitary fitting and which has a developed length greater than 6m measured from the outlet of such fitting to the point of connection to a ventilated soil-water pipe;

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 42.1.5 every waste-water pipe the developed length of which exceeds 6m measured from the outlet of the trap of any waste-water fitting served by it to the point of discharge into a gulley or similar trap; or in the case of the one pipe system to its point of connection to a ventilated soil-water pipe or a ventilated drain;
- 42.1.6 every branch waste-water pipe the developed length of which exceeds 6m measured from the outlet of the trap of any waste-water fitting served by it to a point of connection to a ventilated waste-water pipe; and
- 42.1.7 Every soil-water stack which carries a hydraulic load greater than 50% of the load specified in column 2 of the table in section 25.4 shall, in addition to any ventilation pipe required in terms of the provisions of this section, be provided with a 100mm diameter ventilation pipe connected to such stack below the lowest point of entry to the stack of any branch waste-water pipe or soil-water pipe.

43. CHIMNEYS OR FLUES

No chimney or other flue shall be used for ventilating any drain, soil-water pipe or waste-water pipe.

44. VENTILATION PIPES AND ANTI-SIPHONAGE PIPES - GENERAL

- 44.1 Every ventilation pipe shall throughout its length have a nominal diameter not less than the diameter of the drain or soil-water pipe or waste-water pipe which it ventilates: Provided that if any branch drain or branch soil-water pipe carries the discharge from not more than one gulley or other trap or from not more than one soil-water fitting, the diameter of the ventilation pipe may be less than the diameter of the said drain or soil-water pipe but not less than 50mm.
- 44.2 The connection between a ventilation pipe and any drain or pipe mentioned in section 42.1 shall be made immediately downstream of the point of discharge into such drain or pipe of the uppermost connected sanitary fitting, gulley or similar trap.
- 44.3 Every individual anti-siphonage pipe shall be connected to the crown or soffit of the soil-water pipe or waste-water pipe on the outlet side of the protected trap obliquely in the direction of flow at a point not less than 75mm or more than 750mm from the crown of such trap.
- 44.4 The nominal diameter of any anti-siphonage pipe shall be in accordance with the provisions of section 46.
- 44.5 Every ventilation pipe and every anti-siphonage pipe shall be carried upwards without any reduction in diameter and shall, throughout its length, be so graded as to provide a continuous fall from its open end back to the waste-water pipe or soil-water pipe or drain to which it is connected.
- 44.6 The open end of any ventilation pipe or any anti-siphonage pipe which passes through or is attached to a building, shall be not less than 600mm higher than that part of the roof which is closest to it and not less than 2m above the head of any window, door or other opening in the same building or any other building, whether forming part of the same premises or not, which is within a horizontal distance of 6m of the said open end: Provided that -

- 44.6.1 where a roof slab or any part thereof is used or is intended to be used for any purpose the pipe shall, unless the Service Provider shall otherwise permit, extend at least 2,5m above such roof or part thereof; and
- 44.6.2 the open end of any ventilation pipe or anti-siphonage pipe shall in no case be less than 3,6m above ground level.
- 44.7 Every individual anti-siphonage pipe shall, unless carried up independently, be connected to another anti-siphonage pipe or to a ventilation pipe at a point at least 150mm above the flood level of the sanitary fitting which it serves.
- 44.8 Where the two pipe system is used, a pipe which ventilates a soil-water pipe or protects the water-seal of the trap of a soil-water fitting shall not be connected to a pipe which ventilates a waste-water pipe or a pipe which protects the water seal of the trap of a waste-water fitting.
- 44.9 Whenever, in the opinion of the Service Provider a nuisance exists owing to the emission of gas from a ventilation pipe or an anti-siphonage pipe, the Service Provider may require the owner and/or occupier at his/her own expense to extend the pipe upwards for so far as the Service Provider may prescribe as being necessary to eliminate such nuisance.
- 44.10 Where any new building or any addition to an existing building has any window, door or other opening so placed that the provisions of section 44.6 in respect of any existing ventilation pipe or anti-siphonage pipe, whether on the same or any other premises, are being contravened, the owner and/or occupier of such new building or addition shall, at his/her own expense take such action as may be necessary for compliance with the provisions of the said section.
- 44.11 Where the top of a ventilation pipe or an anti-siphonage pipe is more than 1m above the topmost point of its attachment to a building or other means of support, which part of the pipe which is above the said point shall be adequately stayed or shall otherwise be made secure.

45. ANTI-SIPHONAGE PIPES

- 45.1 Subject to the provisions of sections 50; 51; 52 and 53, the water seal of the trap of a soil-water fitting shall be protected by an individual anti-siphonage pipe complying with the relevant requirements of Sections 44 and 46, in all cases where the discharges from such soil-water fitting are conveyed -
 - 45.1.1 by an unventilated branch drain or an unventilated soil-water pipe or a combination thereof in which there is a fall of more than 1,2m within a horizontal distance of 300m of the crown of the trap of such fittings;
 - 45.1.2 by an unventilated branch drain or an unventilated soil-water pipe which receives the discharges from any other soil-water fitting; or
 - 45.1.3 by a vertical pipe or stack, including any inclined part thereof, which receives at a higher level the discharges from one or more other soil-water fittings; or
 - 45.1.4 by a branch soil-water pipe which receives the discharges from any other soil-water fitting -
 - 45.1.4.1 Provided that individual anti-siphonage pipes may be omitted in the case of those soil-water fittings the discharges from which are carried by a branch soil-water pipe if -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 45.1.4.1.1 the hydraulic load carried by such branch soil-water pipe does not exceed 25 discharge units;
 - 45.1.4.1.2 such branch pipe is connected to a 100mm diameter ventilation pipe in accordance with the requirements of section 44.2; and
 - 45.1.4.1.3 not more than 16 such branch pipes discharge into the same soil-water stack or vertical pipe.
- 45.2 The water seal of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the two pipe system shall be protected by individual anti-siphonage pipes, unless approved resealing traps are installed: Provided that this requirement shall not apply to a single bath, shower or sink having an independent discharge to a gulley trap and situated not more than 2m above or 3m from such gulley trap.
- 45.3 Subject to the provisions of sections 50, 51, 52 and 53, the water seals of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the one pipe system shall be protected by individual anti-siphonage pipes.

46. SIZES OF ANTI-SIPHONAGE PIPES

- 46.1 The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a water closet pan shall be not less than 50mm.
- 46.2 The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a urinal or a waste-water fitting shall be not less than 32mm or one half the diameter of the soil-water pipe or waste-water pipe to which the said individual pipe is connected, whichever is the greater diameter.
- 46.3 For the purposes of this section -
- 46.3.1 the developed length of a branch anti-siphonage pipe shall be the length of the pipe measured from its point of connection to a main anti-siphonage pipe or from its point of connection to a ventilation pipe, as the case may be, to the farthest individual anti-siphonage pipe connected to it;
 - 46.3.2 the developed length of a main anti-siphonage pipe shall be the length of the pipe measured from the open end of such main anti-siphonage pipe, or from the open end of a ventilation pipe if the said main anti-siphonage pipe is connected to it, to its farthest point of connection to a soil-water pipe or waste-water pipe; and
 - 46.3.3 Where at any point on a branch anti-siphonage pipe or on a main anti-siphonage pipe, as the case may be, the sum of the discharge units of all sanitary fittings, the individual anti-siphonage pipes of which are connected either directly or indirectly to the aforesaid branch or main anti-siphonage pipe downward of such point, falls within the sum of discharge units specified in column 1 of the following table the nominal diameter of the branch or main pipe at that point shall, be not less than the diameter specified in column 3 for the applicable developed length of such pipe as set out in column 2 of the table.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Table 5

1	2	3	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters)	Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
1	unlimited		
1½ to 3	unlimited		
	not exceeding 30	38	50
3½ to 8	exceeding 30 but not exceeding 51	50	50
	exceeding 51	50	75
	not exceeding 9	38	40
8½ to 16	exceeding 9 but not exceeding 30	38	50
	exceeding 30 but not exceeding 51	50	50
	exceeding 51	50	75
16½ to 24	not exceeding 9	38	50
	exceeding 9 but not exceeding 30	50	50
	exceeding 30 but not exceeding 51	50	75
	exceeding 51	65	75
	not exceeding 5	38	50
	exceeding 30 but not exceeding 51	50	50
24½ to 42	exceeding 9 but not exceeding 21	50	75
	exceeding 21 but not exceeding 51	65	75
	exceeding 51 but not exceeding 75	75	75
	exceeding 75	75	110

1	2	3	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters)	Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
	not exceeding 7	50	50
	exceeding 7 but not exceeding 15	50	75
	exceeding 15 but not exceeding 36	65	75
42½ to 64	exceeding 36 but not exceeding 60	75	75
	exceeding 60 but not exceeding 90	75	110
	exceeding 90	100	110
	not exceeding 5	50	50
	exceeding 5 but not exceeding 7	50	75
	exceeding 7 but not exceeding 27	65	75
64½ to 95	exceeding 27 but not exceeding 51	75	75
	exceeding 51 but not exceeding 75	75	110
	exceeding 75	100	110
	not exceeding 7	65	75
	exceeding 7 but not exceeding 18	75	75
95½ to 500	exceeding 18 but not exceeding 24	75	110
	exceeding 24 but not exceeding 96	100	110
	exceeding 96	125	160
	not exceeding 5	65	75
	exceeding 5 but not exceeding 9	75	75

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

1	2	3	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters)	Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
500½ to 1 100	exceeding 9 but not exceeding 15	75	110
	exceeding 15 but not exceeding 57	100	110
	exceeding 57 but not exceeding 177	125	160
	exceeding 177	125	160
	not exceeding 5	75	75
	exceeding 5 but not exceeding 7	75	110
1 100½ to 1 900	exceeding 7 but not exceeding 27	100	110
	exceeding 27 but not exceeding 75	125	160
	exceeding 75 but not exceeding 195	150	160
	exceeding 195	200	-
	not exceeding 7	100	110
	exceeding 7 but not exceeding 21	125	160
1 900½ to 3 600½	exceeding 21 but not exceeding 57	150	160
	exceeding 57 but not exceeding 222	200	-
	exceeding 222	225	-

CHAPTER XII

SOIL WATER AND WASTE WATER PIPE SYSTEMS

47. SOIL WATER PIPE AND WASTE WATER PIPE SYSTEMS

47.1 Soil-water pipe and waste-water pipe installations shall comply with the requirements, as hereinafter set out for either of the following systems -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

47.1.1 the one pipe system, or

47.1.2 the two pipe system, or

47.1.3 the single stack system.

Provided that the Service Provider may permit any combination of the requirements for each system if, in its opinion such combination will result in an adequately ventilated drainage installation and the effective protection of the water seals of all traps connected thereto.

48. REQUIREMENTS FOR THE ONE-PIPE SYSTEM

48.1 The following requirements shall apply to the one-pipe system -

48.1.1 all soil-water pipes shall be connected directly to a drain or to another soil pipe similarly connected;

48.1.2 all waste-water pipes shall be connected directly to a drain or to a soil-water pipe; and

48.1.3 the depth of the water seal of the trap of every waste-water fitting shall be not less than 65mm not more than 100mm, and each such water seal shall be protected by means of an anti-siphonage pipe in accordance with the relevant provisions of sections 44 and 46.

49. REQUIREMENTS FOR THE TWO-PIPE SYSTEM

49.1 The following requirements shall apply to the two-pipe system -

49.1.1 every waste-water pipe or system of waste-water pipes shall discharge into a gully trap connected to a drain or to a soil-water pipe;

49.1.2 every soil-water pipe shall be connected directly to a drain or to another soil-water pipe similarly connected; and

49.1.3 the depth of the water seal of the trap of every waste-water fitting shall be not less than 38mm not more than 100mm, and the protection of the water seal of each such trap shall be effected in accordance with the provisions of section 45.2.

50. GENERAL REQUIREMENTS FOR THE SINGLE STACK SYSTEM

50.1 The following provisions and requirements shall apply in the case of the single stack system -

50.1.1 the single stack system shall be installed only in a building of the offices class or a residential building; and

50.1.2 the single stack system shall not be installed in any building the height of which exceeds 25 storeys above the lowest ground level abutting on such building;

Notwithstanding anything to the contrary in these by-laws contained, individual anti-siphonage pipes for the protection of the water seals of the traps of sanitary fittings may be omitted in any drainage installation carried out in accordance with the requirements of sections 51, 52 and 53.

51. SINGLE STACK SYSTEM: REQUIREMENTS FOR RESIDENTIAL AND OFFICE BUILDINGS

51.1 The following requirements shall apply in the case of the single stack system in both residential and office buildings -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 51.1.1 the soil-water stack shall, at its topmost end, be continued upwards as a ventilation pipe to comply with the relevant provisions of section 44 and may, in addition, be provided with a supplementary ventilation pipe;
- 51.1.2 a supplementary ventilation pipe, shall have a nominal diameter of not less than 50mm and shall be connected to the soil-water stack at a point below the lowest branch pipe connected to such stack, and shall be continued upwards and be interconnected to such stack to the intervals prescribed for the buildings as required in sections 52 and 53.
- 51.1.3 the interconnection between a supplementary ventilation pipe and any other pipe shall be so located and made that no soil-water or waste-water can, under any circumstances, be discharged through any ventilation pipe;
- 51.1.4 the radius of the centre line of any bend installed at the lowest extremity of the soil-water stack shall not be less than 300mm;
- 51.1.5 no offset shall be made in any soil-water stack or waste-water stack unless a supplementary ventilation pipe is provided to relieve any pressure caused by the offset, and the nominal diameter of such ventilation pipe shall not be less than one half the diameter of the stack;
- 51.1.6 every waste-water trap shall be either a "P" trap or the resealing trap or other approved "P" trap with a water seal of not less than 75mm in depth;
- 51.1.7 the vertical distance between the invert of the lowest branch pipe connected to the stack and the invert of the drain at the point of connection between the stack and the drain shall be not less than 500mm in the case of a stack serving a building of not more than three storeys in height, and 3m in the other case;
- 51.1.8 where soil-water fittings and waste-water fittings are installed in ranges or batteries, the branch pipe conveying the discharges from the soil-water fittings shall be separate from the branch pipe conveying the discharges from the waste-water fittings, and each branch pipe shall individually be connected to the stack;
- 51.1.9 the gradient of any branch pipe conveying waste-water shall in no part be steeper than 1 in 25 and not flatter than 1 in 50; and
- 51.1.10 the point of connection between a branch waste-water pipe and a stack shall be so located that the centre line of the branch pipe meets the centre line of the stack at or above the level at which the centre line of any water closet branch pipe meets the centre line of the stack or at least 200mm below such level.

52. SINGLE STACK SYSTEM: ADDITIONAL REQUIREMENTS FOR RESIDENTIAL BUILDINGS

- 52.1 The following additional requirements shall apply to a single stack system installed in a residential building -
 - 52.1.1 the branch pipe of each fitting in a group of sanitary fittings shall be separately connected to the stack;
 - 52.1.2 where the trap fitting to a wash-hand basin has a nominal diameter of 32mm the diameter of the branch pipe which connects such trap to the stack shall not be less than 38mm;

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 52.1.3 the gradient of the branch pipe referred to in section 51 shall in no part be steeper than 1 in 25, and the length of such pipe measured between its point of connection with the soil-water stack and the crown of the trap shall not exceed 3m;
- 52.1.4 not more than 2 groups of sanitary fittings installed in any one storey shall be connected to the same stack;
- 52.1.5 the nominal diameter of a stack serving a residential building, the height of which exceeds 20 storeys above the lowest ground level abutting on such building, shall not be less than 150mm;
- 52.1.6 where a stack with a nominal diameter of 100mm serves a residential building which -
- 52.1.7 does not exceed a height of 10 storeys, a supplementary ventilation pipe shall not be required;
- 52.1.8 exceeds 10 storeys but does not exceed 15 storeys in height and such stack receives the discharges from one group of sanitary fittings installed at each storey a supplementary ventilation pipe with a nominal diameter of not less than 50mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection of each alternate storey;
- 52.1.9 exceeds 10 storeys but does not exceed 15 storeys in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 50mm shall be provided and interconnected with the stack above level of the highest branch pipe connection at each storey;
- 52.1.10 exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from one group of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each alternate storey; and
- 52.1.11 exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each storey.
- 52.2 Where a stack with a nominal diameter of 150mm serves a residential building not exceeding 25 storeys in height, a supplementary ventilation pipe shall not be required.

53. SINGLE STACK SYSTEM: ADDITIONAL REQUIREMENTS FOR OFFICE BUILDINGS

- 53.1 The following additional requirements shall apply in the case of a single stack system installed in a building of the office class -
 - 53.1.1 Individual anti-siphonage pipes may be omitted in the case of sanitary fittings installed in ranges or batteries as envisaged in table 6 below, if the branch pipes to which such fittings

are connected are themselves separately connected to the stack, and a supplementary ventilation pipe as specified in the said table 6 is provided;

- 53.1.2 the supplementary ventilation pipe shall be interconnected with the stack above the level of the highest branch pipe connection at each storey;
- 53.1.3 the nominal diameter of the supplementary ventilation pipe shall not be less than the diameter specified in table 6 below, regard being had to the diameter of the stack, the number of storeys served by such stack and the number of sanitary fittings by such stack and the number of sanitary fittings installed in a range or battery in each storey;
- 53.1.4 for the purposes of table 6 below, more than one urinal but not more than four urinals may be regarded as equivalent to one water closet plan;
- 53.1.5 the single stack system shall not be used in any building of the office class if the number of sanitary fittings installed in a range or battery in any storey exceeds the number specified in table 6 below for the relevant diameter of stack, or if the number of storeys served by such stack exceeds the number specified in said table 6.

Table 6

Nominal diameter of stack	Number of storeys services by the stack	Number of sanitary fittings installed in a range or battery in each storey	Nominal diameter supplementary ventilation pipe
100mm	8 storeys	not exceeding 2 WC pans and 2 hand basins	not required
		exceeding 2 WC plans and 2 hand basins but not exceeding 5 WC pans and 5 hand basins	50mm
	12 storeys	not exceeding 4 WC pans and 4 hand basins	50mm
150mm	8 storeys	not exceeding 4WC pans and 4 hand basins	not required
	24 storeys	not exceeding 3 WC pans and 3 hand basins	not required

CHAPTER XIII

WASTE WATER, SOIL-WATER, VENTILATION AND ANTI-SIPHONAGE PIPES AND JOINTS

54. DESIGN AND INSTALLATION OF SOIL WATER PIPES AND WASTE WATER PIPES

- 54.1 No soil-water pipe or waste-water pipe shall have an internal diameter less than the diameter of any other pipe or of the trap of any sanitary fitting discharging into it.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 54.2 No pipe having an internal diameter of less than 100mm shall receive the discharge from any water closet pan.
- 54.3 Save as otherwise provided in Sections 50, 51, 52 and 53 in respect of the single stack system -
- 54.3.1 the hydraulic load carried by a vertical pipe or stack having a nominal diameter set out in column 1 of table 2 under section 25 shall not exceed the number of discharge units specified in column 2 of table 2 for such pipe or stack : Provided that where the angle of any inclined part of a stack is less than 45° above the horizontal, such part shall be deemed to be a horizontal pipe and the diameter of such part shall be determined in accordance with the provisions of paragraph 54.2 and the diameter of the stack below such inclined part shall be not less than the diameter of the inclined part;
- 54.3.2 the hydraulic load carried by a horizontal pipe, other than a branch pipe, having a nominal diameter set out in column 1 of table 2, shall not exceed the number of discharge units specified in column 4 of table 2 for such pipe;
- 54.3.3 the hydraulic load carried by a branch pipe having a diameter set out in column 1 of table 2 shall not exceed the number of discharge units specified in column 3 of table 2 for such pipe;
- 54.3.4 and notwithstanding anything to the contrary in these by-laws contained, any waste-water pipe having a diameter of 100mm or greater and any soil-water pipe with a diameter of 100mm or greater shall be deemed to be a drain from that point downstream of which the inclination of such pipe and of any drain to which it is connected does not in any part exceed 45° below the horizontal, and the permissible hydraulic load for that part of the waste-water pipe and soil-water pipe deemed to be a drain shall not exceed the number of discharge units prescribed in columns 5, 6, 7, or 8 of table 2 for a drain of equivalent and gradient;
- 54.3.5 and where the diameter of any soil-water stack or any waste-water stack is greater than the diameter of any drain into which it discharges, the pipe at the base of such stack shall be extended horizontally for a length of not less than 2m without any reduction in diameter before it is connected to the drain, and when required by the Service Provider, a manhole shall be provided at such point of connection.

55. LOCATION OF SOIL-WATER, WASTE-WATER, VENTILATION AND ANTI-SIPHONAGE PIPES

- 55.1 Every soil-water pipe, waste-water pipe, ventilation pipe and anti-siphonage pipe shall be effectively protected against damage by vehicular impact or shall be so located as to be effectively protected against such damage.
- 55.2 No pipe shall be so installed that the removal of any part of a building for the purposes of gaining access to renew, maintain or repair such pipe will endanger the structural stability of the building or any part thereof.
- 55.3 The shape and dimensions of a recess or chase containing any part of a drainage installation and the arrangement of all pipes and any other services therein shall be such as the Service Provider considers adequate to permit the renewal, replacement, maintenance or repair of such installation or service, and if such recess or chase is provided with a cover or covers, it shall be adequately ventilated.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 55.4 If an enclosed shaft or duct contains any part of a drainage installation it shall be adequately ventilated, shall have a minimum cross-sectional area of 1,5m and a minimum width of 1m and shall be provided with means of access to its interior adequate for inspection and repair of the drainage installation and of any other services therein: Provided that the Service Provider may, subject to such conditions as it may consider necessary permit any part of a drainage installation to be located in an unventilated enclosed shaft or duct having a smaller cross-sectional area and width in any case where the whole of the interior of every soil-water pipe and waste-water pipe contained therein is otherwise rendered readily accessible for cleaning.
- 55.5 Unless otherwise permitted by the Service Provider, regard being had to the aesthetics of external appearance and the amenities of the neighbourhood, no pipe, bend or junction forming part of a drainage installation serving a building shall be exposed to view from the outside of such building.

56. ACCESS TO INTERIOR OF SOIL-WATER PIPES AND WASTE-WATER PIPES

- 56.1 Adequate means of access to the interior of the pipe shall be provided within 2m above the point of entry into the ground of every soil-water pipe and in such other positions as are necessary to render the whole of the interior of every soil-water pipe, waste-water pipe and every bend and junction associated therewith readily accessible for cleaning.
- 56.2 Where a soil-water pipe or waste-water pipe, not being a waste-water pipe connected to a fitting in the room, passes through a kitchen, pantry or other room used or intended for use for the preparation, handling, storage or sale of food, the means of access necessary for the cleaning of that part of the said pipe which passes through the room, shall be located outside the room.
- 56.3 An inlet to a waste-water pipe may be provided in the floor of such a room as is referred to in section 56.2 as long as the said inlet is equipped with a trap connected to a pipe discharging over a gulley or other trap situated in the open air.
- 56.4 No bend or junction shall be permitted in any such pipe as is referred to in section 56.2, unless its position in relation to any access eye is such as readily to permit the cleaning from outside the room of every part passing through such room.
- 56.5 If access to a soil-water pipe is permitted and provided within a building, access to a soil-water pipe located within a building shall be provided only through an adequate screwed or bolted airtight cover.

57. WASTE-WATER, SOIL-WATER, VENTILATION AND ANTI-SIPHONAGE PIPES AND FITTINGS

- 57.1 Waste-water pipes, soil-water pipes, ventilation pipes and anti-siphonage pipes and their associated steel, copper, brass, drawn lead, or unplasticised polyvinyl chloride, shall in each case be of approved quality in accordance with the relevant South-African Bureau of Standards Specification, if applicable, or of such materials as the Service Provider may in its discretion approve. The Service Provider's discretion in terms of this section shall be exercised by reference to established codes of practice and to the appropriate standard specification issued by the South African Bureau of Standards from time to time, or in the absence of any such specification, to the appropriate British Standard Specification.

- 57.2 An approval given by the Service Provider in terms of section 57.1 may include such conditions as it may deem necessary to prevent the spread of fire or the spread of noxious fumes in dangerous quantities given off by pipes, traps or other fittings made of such other materials in the event of an outbreak of fire.
- 57.3 Cast iron pipes and their associated traps and fittings shall have both their inside and outside surfaces adequately coated with a bituminous or other corrosion-resisting material, and mild steel pipes and fittings shall be adequately galvanized or otherwise rendered resistant to corrosion.
- 57.4 Where the axes of two or more branch waste-water pipes or branch soil-water pipes intersect at a common point on the axis of a waste-water pipe or a soil-water pipe, the included angle between the axes of the said branch pipes shall not exceed 90°.

58. JOINTS BETWEEN PIPES AND PIPES AND FITTINGS

Every connection between a pipe, trap or fitting and another pipe, trap or fitting shall be made in such a manner as to be gas- and water-tight and to cause no internal obstruction and shall be carried out to the approval of the Service Provider in accordance with established plumbing and drainage practice.

CHAPTER XIV WASTE-WATER AND SOIL-WATER FITTINGS AND FIXTURES

59. TRAPS TO WASTE-WATER FITTINGS

- 59.1 An approved self-cleaning trap shall be inserted or erected immediately beneath every waste-water fitting.
- 59.2 Except in the case of a trap made of rubber or other approved flexible material, every trap shall be provided with an adequate cleaning eye protected by a water seal and having a removable cover.
- 59.3 The nominal diameter of any trap shall be no less than 32mm in the case of a trap serving a wash-hand basin and 38mm in the case of traps serving other waste-water fittings.
- 59.4 The depth of the water seal in a trap shall in no case exceed 100mm and shall be not less than 38mm in the two-pipe system and not less than 65mm in the one-pipe system.
- 59.5 Notwithstanding the provisions of section 51.1 it shall be permissible-
- 59.5.1 for a bath, wash-basin or shower to discharge without the interposition of a trap as aforesaid into an open channel semi-circular in cross section having a diameter of at least 100mm, made of glazed earthenware, porcelain or other approved material, accessible for cleaning throughout its length and fixed immediately beneath the point or points of discharge into a trapped gulley constructed and fixed as prescribed in terms of these by-laws;
- 59.5.2 for a bath, wash-basin or shower installed in a compartment containing a urinal to discharge without the interposition of a trap as aforesaid in to the urinal channel: Provided that such channel is constructed in accordance with the provision of section 62.7.

60. SOIL-WATER FITTINGS

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 60.1 Every room or compartment containing any soil-water fittings shall have a rigid floor of non-absorbent material.
- 60.2 Subject to the provisions of sections 61 and 62, every soil-water fitting shall be made of earthenware, fireclay, porcelain, vitreous china or other approved finish, shall be of a type approved by the Service Provider and shall be provided with a trap having a water seal not less than 50mm in depth.

61. WATER CLOSET SOIL-WATER FITTINGS

- 61.1 Every water closet pan of the ash-down or siphonic type and its associated trap shall be made in one piece, shall be provided with an integral flushing rim so constructed that the entire surface of the bowl is effectively flushed, and shall have a minimum standing water-level area of 130m²: Provided that the trap used with a squatting pan may be an independent unit.
- 61.2 Any such trap shall have an exposed outlet of sufficient length to be conveniently accessible for jointing: Provided that the provisions of this section may be relaxed in the case of water closet pans connected to a soil-water pipe by bolts or flanges or other approved devices.
- 61.3 If a ventilating horn is provided on the trap such horn shall have an internal diameter of not less than 50mm and shall be placed at the side of and not less than 75mm from the crown of the trap on its outlet side.
- 61.4 The following requirements shall be applicable to "P" traps fitted to water closet pans -
 - 61.4.1 it shall not be fitted with ventilating horns;
 - 61.4.2 its outlet pipes shall slope downwards at an angle of not less than five degrees to the horizontal.
 - 61.4.3 the minimum internal diameter of the outlet of every trap shall be 90mm in the case of a wash-down or squatting pan and 80mm in the case of a siphonic water closet pan.
 - 61.4.4 the distance between the invert and the lip of the trap of a wash-down water closet pan shall be not less than 70mm or more than 75mm.
 - 61.4.5 except in the case of squatting pans, pans shall be provided with hinged or other seats of a type and material approved by the Service Provider.
 - 61.4.6 any pad or packing inserted between the base of the pan and the floor shall be of non-absorbent material.
 - 61.4.7 the Service Provider may in its absolute discretion and subject to such conditions as it may impose, permit the use of trough closets of approved design in separate buildings provided for the purpose.

62. URINALS

- 62.1 Urinals shall be of the stall, slab, wall hung or other approved type made to discharge, without the interposition of a trap, into a channel uniformly graded to a trap connected to a drain or soil-water pipe: Provided that a wall hung urinal may have a trap attached to or formed integrally with the urinal directly connected to a soil-water pipe or drain.
- 62.2 Wall hung urinals shall have -

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 62.2.1 a minimum overall height, excluding any trap, of 600mm; and
- 62.2.2 a minimum overall width of 380mm; and
- 62.2.3 a minimum horizontal projection from the back of the fixture to the front of the lip of 380mm.
- 62.3 Where urinals of any type are installed for public use or are installed in a factory, hostel or educational Provider, or where more than three wall hung urinals are installed in the same room or compartment in any building, such urinals shall discharge into a channel complying with the relevant requirements of this section.
- 62.4 Where urinals are directly connected to a soil-water pipe or drain, the floor of the room or compartment containing the urinals shall be upgraded and drained to an approved floor trap similarly connected.
- 62.5 The floor of a room or compartment containing a urinal channel shall be protected with an approved impervious material having a glazed or other smooth finish.
- 62.6 The floor of a room or compartment containing a urinal channel shall slope towards and drain into the channel : Provided that where the channel is raised above the level of the floor, a platform at least 400mm wide shall be provided and only the said platform shall be required to slope and drain as aforesaid.
- 62.7 Every channel and trap forming part of a urinal or receiving the discharges from a urinal shall be made of impervious material approved by the Service Provider having a glazed or smooth finish and shall be located in the same room or compartment as the urinal itself.
- 62.8 The nominal diameter of a trap receiving the discharges from a channel in a compartment or room containing a urinal shall be not less than 75mm and the diameter of a trap attached to or formed integrally with a wall hung urinal shall be not less than 38mm.
- 62.9 At least one trap having a diameter of 75mm shall be provided for every 5 urinal stalls or for every 3,5m length slab urinal; or at least one trap having a diameter of 100mm for every 10 stalls or 7m length of slab urinal.
- 62.10 Except in the case of a siphonic urinal, every urinal trap shall be provided with a hinged and domed grating designed to retain solid matter without obstructing the flow of liquids.

63. FLUSHING OF SOIL-WATER FITTINGS

Every soil-water fitting shall be capable of being effectively flushed by means of a flushing cistern, flushing valve or other approved device the flushing action of which shall effectively flush the entire fouling surface of the fitting and clear the trap completely at each flush.

64. FLUSHING CISTERNS

- 64.1 The mechanism of a flushing cistern shall so operate that the cistern is automatically refilled after every flushing, that the inflow of water is automatically stopped when the cistern is full and that no water can escape from the cistern, otherwise than by the operation of the flushing mechanism or through an overflow pipe.
- 64.2 A flushing cistern shall have an overflow pipe of adequate diameter the discharge from which shall be reasonably detectable and so directed that it cannot cause damage to the building.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 64.3 The ball valve in a cistern shall be so located and constructed that no back siphonage from the cistern can take place.
- 64.4 The flow of water into a flushing cistern shall be separately controlled by a stop tap or other device approved by the Service Provider situated within 2m thereof in the same room or compartment as the cistern.
- 64.5 Flushing cisterns for water closets slop hoppers and bed-pan sinks and washers shall discharge at each flush not less than 11 litres of water. Automatic flushing will be mechanically or electronically controlled to only be activated after use, such as by motion detection, in order to save water. All new cisterns and replacements will comply with the Service Providers' latest water conservation specifications.
- 64.6 Automatic flushing cisterns for urinals shall discharge at each flush not less than 2 litres of water for each urinal stall or for every 600mm of the width of the urinals. Automatic flushing will be mechanically or electronically controlled to only be activated after use, such as by motion detection, in order to save water. All new cisterns and replacements will comply with the Service Providers' latest water conservation specifications.
- 64.7 Automatic flushing cisterns for trough closets shall at each flush discharge not less than 22 litres of water for each seat. Automatic flushing will be mechanically or electronically controlled to only be activated after use, such as by motion detection, in order to save water. All new cisterns and replacements will comply with the Service Providers' latest water conservation specifications.

65. FLUSHING VALVES

- 65.1 Flushing valves shall at each operation discharge a volume discharge not less than 22 litres of water for each seat.
- 65.2 Where flushing valves are installed, adequate measures shall be taken to prevent back siphonage from the soil-water fitting into the water supply.

CHAPTER XV

66. MECHANICAL APPLIANCES FOR LIFTING SEWAGE

- 66.1 Every person shall before installing any mechanical appliance for the raising or transfer of sewage make application in writing to the Service Provider for permission to do so in the form, to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter give such additional information as the Service Provider may require.
- 66.2 The form shall be completed by a professional engineer who is fully conversant with the technical details of the appliance, and the undertaking annexed to such form shall be signed by the owner and/or occupier of the premises.
- 66.3 The application mentioned shall be accompanied by drawings prepared in accordance with the relevant provisions of section 20 and shall show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position thereof, and the positions of the drains, ventilation pipes, rising main and the connecting sewer.

- 66.4 Notwithstanding any permission given, the Service Provider shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of such appliance.
- 66.5 Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- 66.6 Unless otherwise permitted by the Service Provider, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will begin to function automatically immediately in the event of failure of the other.
- 66.7 Every mechanical appliance forming part of a drainage installation shall be so located and operated as not to cause any nuisance through noise or smell or otherwise and every compartment containing any such appliance shall be effectively ventilated.
- 66.8 The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Service Provider who may, at any time, require the owner and/or occupier to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded -
- 66.8.1 Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.
- 66.8.2 Every sewage storage tank shall -
- 66.8.2.1 be constructed of hard, durable material and shall be watertight and the internal discharge of the walls and floor shall be rendered smooth and impermeable;
 - 66.8.2.2 have storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24 hours or 900 litres, whichever is the greater quantity; and
 - 66.8.2.3 be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- 66.9 If the mechanical appliance consists of a pump, the starting mechanism shall be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one-fifth of its storage capacity.
- 66.10 When required by the Service Provider, a stilling chamber shall be installed between the outlet of the mechanical appliance and the connecting drain or connecting sewer, as the case may be, and such chamber shall have a depth of not less than 850 mm.
- 66.11 Every storage tank and stilling chamber shall be provided with a ventilation pipe having a diameter of not less than 100mm carried upwards in accordance with the relevant provisions of section 44.

CHAPTER XVI

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

SEPTIC AND STORAGE TANKS AND PRIVATE SEWAGE TREATMENT PLANTS, FRENCH DRAINS AND CONSERVANCY TANKS

67. SEPTIC TANKS AND TREATMENT PLANTS

- 67.1 A person shall not construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Service Provider, the giving of which shall be without prejudice to any of the provisions of these by-laws and in any event subject to the Council's Public Health By-laws so far as relevant or any other relevant by-laws.
- 67.2 No part of any septic tank or other sewage treatment plant shall be situated nearer than 3m to any building used for human habitation or to any boundary of the piece of land on which it is situated or in any such other position as may be prohibited or limited by the Council's Public Health By-laws or any other relevant by-laws.
- 67.3 Effluent from a septic tank or other sewage treatment plant shall be disposed of to the satisfaction of the Service Provider.
- 67.4 A septic tank shall be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- 67.5 A septic tank serving a dwelling house shall -
- 67.5.1 have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2500 litres;
 - 67.5.2 have an internal width of not less than 1m measured at right angles to the direction of the flow;
 - 67.5.3 have an internal depth between the cover and the bottom of the tank of not less than 1,7m;
 - 67.5.4 retain liquid to a depth of not less than 1,4m.
- 67.6 Septic tanks serving premises other than a dwelling house shall be of approved design, construction and capacity.

68. FRENCH DRAINS

- 68.1 The Service Provider may, in its discretion and on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, permit the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.
- 68.2 No part of a French drain, soakage pit or other similar work shall be situated nearer than 3m to any building used for human habitation or to any boundary of the piece of land on which it is situated, or within such other distance or in such position as may be prescribed by the Council's Public Health By-laws or any other relevant by-laws, nor in any such position as will, in the opinion of the Service Provider, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 68.3 The dimensions of any French drain, soakage, pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

69. CONSERVANCY TANK

- 69.1 The Service Provider may in its discretion permit the owner and/or occupier 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 shall be of such capacity and located in such position and at such level as it may prescribe.
- 69.2 No rainwater or storm water and no effluent other than that which the Service Provider shall have permitted, shall be discharged into a conservancy tank.
- 69.3 A conservancy tank shall not be used as such unless -
- 69.3.1 it is constructed of hard and durable material;
 - 69.3.2 the walls, if made of brick, are at least 215mm thick and made of approved bricks laid in cement mortar, or if made of reinforced concrete, are at least 150mm thick;
 - 69.3.3 the floor is made of concrete not less than 150mm thick;
 - 69.3.4 the roof is made of concrete of adequate strength to withstand the loads to which it may be subjected;
 - 69.3.5 the exposed surfaces of the walls and roof are rendered smooth and impermeable;
 - 69.3.6 the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - 69.3.7 the tank is gas and water-tight;
 - 69.3.8 the tank has an outlet pipe of at least 100mm internal diameter, made of wrought iron, cast-iron or other material approved by the Service Provider and except if otherwise permitted by the Service Provider, terminating at an approved valve and fittings for connection to removal vehicles;
 - 69.3.9 the valve and fittings or the outlet end of the pipe, as the case may be, are located in a chamber, having a hinged cover approved by the Service Provider and situated in such position as the Service Provider may require; and
 - 69.3.10 access to the conservancy tank is provided by means of a manhole approved by the Service Provider and fitted with a removable cover placed immediately above the visible spigot of the inlet pipe.
- 69.4 The Service Provider may in its discretion, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner and/or occupier thereof shall indemnify the Service Provider, in writing, against any sum which it may become liable to pay to any person as a result direct or indirect, of the rendering of that service.
- 69.5 Where the removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner and/or occupier thereof shall provide for the purpose a roadway at least 3,5m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather,

and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5m wide.

- 69.6 The Service Provider shall be entitled to empty or to draw off part of the contents of any conservancy tank at any reasonable time on any day of the week and in such manner as it may decide having regard to the general requirements of the service and in particular to the necessity for avoiding separate or unnecessary journeys by the removal vehicles.
- 69.7 The owner and/or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the Service Provider.

CHAPTER XVII

MISCELLANEOUS PROVISIONS

70. STABLES AND SIMILAR PREMISES

- 70.1 The Service Provider may permit stables, cowsheds, dairies, kennels and similar premises or other premises for the accommodation of animals to be connected to a drainage installation.
- 70.2 The floor of any premises connected to a drainage installation shall be paved with impervious materials approved by the Service Provider and graded to a silt trap, grease trap or gulley of adequate capacity.
- 70.3 Every part of the floor of premises shall be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

71. WASTE FOOD OR OTHER DISPOSAL UNITS

- 71.1 A person shall not incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless -
- 71.1.1 the owner and/or occupier of the premises has registered such unit or garbage grinder with the Service Provider and the Service Provider is satisfied that the working of the sanitation services works shall not thereby be impaired; and
- 71.1.2 such unit or garbage grinder is of an approved type and has been installed in conformity with the Council's Electricity supply By-laws.
- 71.2 The Service Provider may require the owner and/or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner and/or occupier of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the Service Provider, is functioning inefficiently or which may impair the working of the sanitation services works.
- 71.3 An owner and/or occupier shall, upon the removal of any such unit or grinder, notify the Service Provider within 14 days of its removal.

72. DISPOSAL OF SLUDGE, COMPOST AND MANURE

- 72.1 Except when prohibited by any competent authority, the Service Provider may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment works operated by the Service Provider or farm associated therewith on such

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

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 Service Provider may impose.

- 72.2 Save in the case of long term contracts entered into for the purpose of removal thereof, such sludge, compost or manure shall be sold or disposed of at the amounts set out in the tariff.

73. TARIFFS AND CHARGES

- 73.1 The Service Provider shall levy the fees, tariffs and charges for the provision of sanitation services and industrial effluent by way of Council Resolution.
- 73.2 The tariffs and charges payable and the date of its implementation shall be published as prescribed in the Local Government: Municipal Systems Act No 32 of 2000, as amended.
- 73.3 Such tariffs and charges may differentiate between different categories of users, services and service standards as well as geographical areas.

74. OFFENCES AND PENALTIES

- 74.1 Notwithstanding any provision of these by-laws wherein an offence is expressly specified, any person who contravenes or fails to comply with any provision of these by-laws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding R2000 or, in default of payment, or imprisonment for a period of not exceeding twelve months, and on any subsequent conviction to a fine or, in default of payment, to imprisonment as aforesaid.
- 74.2 Any person who fails to comply in any respect with any notice served on him/her by the Service Provider in terms of these by-laws directing him/her to do or not to do anything, shall be guilty of an offence and liable on first conviction to a fine not exceeding R2000 and shall in addition be guilty of a further offence for every day or part of a day during which non-compliance continues and he/she shall be liable in respect of each offence as aforesaid to a fine or, in default of payment, to imprisonment for a period not exceeding three months.

CHAPTER XVIII

STORMWATER, SEWAGE, INDUSTRIAL EFFLUENTS AND OTHER DISCHARGES

75. SEWAGE OR OTHER PROHIBITED DISCHARGES NOT TO ENTER STORM WATER DRAINS

- 75.1 A person shall not discharge or cause or permit to be discharged any sewage directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- 75.2 The owner and/or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Service Provider has specifically permitted such discharge.
- 75.3 Where the hosing down or flushing by rainwater of an open area or any structure on any piece of land is in the opinion of the Service Provider likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, the Service

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Provider may instruct the owner and/or occupier of the premises to execute at his/her own cost whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

75.4 Should a sewer overflow occur the Service Provider may take such immediate steps as it deems necessary to remove the cause of the overflow except in circumstances where such overflow is directly attributable to insufficient capacity in the sanitation services works.

75.5 The Service Provider may take all reasonable action to eliminate any re-occurrence of a sewer overflow.

76. STORM WATER NOT TO ENTER SEWERS

76.1 No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being soil-water or waste-water, can enter the installation without the intervention of human agency.

76.2 A person shall not discharge or cause to permit to be discharged any substance other than sewage into a drainage installation.

76.3 No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any gully forming part of a drainage installation.

77. DISCHARGES FROM SWIMMING POOLS

77.1 A person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner and/or occupier of such swimming pool.

77.2 Water from fountains, reservoirs or swimming pools situated on private premises shall be discharged to a drainage installation only with the prior written consent of the Service Provider and subject to such conditions as to place, time, rate of discharge and total discharge as the Service Provider may impose.

77.3 The discharge of water referred to in section 72.2 shall be subject to the payment of the amounts specified in terms of the tariff.

78. PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENTS

78.1 A person shall not discharge or cause or permit to be discharged into any sewer or drainage installation any industrial effluent or other liquid or substance other than soil-water or waste-water without the written permission of the Service Provider first had and obtained or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.

78.2 Every person shall, before discharging any industrial effluent into a sewer or drainage installation, make application in writing to the Service Provider for permission to do so in the form, to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter furnish such additional information and submit such samples as the Service Provider may require.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 78.3 The Service Provider may in its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any sewage treatment plant, whether or not it forms part of the sanitation services works and subject to such conditions as it may deem fit to impose, including the amount assessed in terms of the tariff, grant permission for the discharge of industrial effluent from any premises into any sewer or drainage installation.
- 78.4 A person to whom permission has been granted in terms of this section to discharge industrial effluent into a sewer or drainage installation shall, before doing or causing or permitting to be done anything to result in any change in the quantity or discharge or nature of that effluent, notify the Service Provider in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.
- 78.5 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 78.1 shall be guilty of an offence and liable to a fine stated together with tariffs and to such amount as the Service Provider may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- 78.6 Without prejudice to its rights the Service Provider 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 or which has been the subject of an order issued all costs, expenses or amounts incurred or to be incurred by the Service Provider as a result of any or all of the following -
- 78.6.1 injury to persons, damage to the sewer, drainage installations or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether part of the sanitation services works or not; and
- 78.6.2 any costs including fines and damages which may be imposed or awarded against the Service Provider and any expense incurred by the Service Provider as a result of a prosecution in terms of the National Water Act 36 of 1998 or the Water Services Act 108 of 1997, 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.
- 78.7 Due to any change in circumstances arising from a change in the method of sewage treatment or the introduction of new or revised or stricter or other standards by the Service Provider or in terms of the National Water Act 36 of 1998 or the Water Services Act 108 of 1997, or as a result of any amendment to these by-laws or due to any other reason, the Service Provider may from time to time or any time review, amend, modify or revoke any permission given or any condition attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or drainage installation or prohibit the discharge of any or all of such effluent to the sewer or drainage installation 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 condition, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

79. CONTROL OF INDUSTRIAL EFFLUENT

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 79.1 The owner and/or occupier of any premises from which industrial effluent is discharged to a sewer or drainage installation shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer or drainage installation, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- 79.2 The Service Provider, by notice served on the owner and/or occupier of any premises from which industrial effluent is discharged, may require him/her without prejudice to any other provision of these by-laws to do all or any of the following -
- 79.2.1 to subject the effluent before it is discharged to the sewer or drainage installation, to such pre-treatment as will ensure that it at no time will fail to conform in all respects with these by-laws or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the Service Provider is necessary to enable any sewage treatment works receiving the said effluent, whether part of the sanitation services works or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act 36 of 1998;
- 79.2.2 to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install at his/her own expense such tanks, appliances and other equipment as in the opinion of the Service Provider may be necessary or adequate for compliance with the said restrictions;
- 79.2.3 to install a separate drainage installation for the conveyance of industrial effluent and to discharge same into the sewer through a separate connection as directed by the Service Provider, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- 79.2.4 to construct at his/her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection sampling or metering chambers of such dimension and materials and in such positions as the Service Provider may prescribe;
- 79.2.5 to pay in respect of the industrial effluent discharged from the premises such amounts as may be assessed in terms of the tariff: Provided that where, owing to the particular circumstances of any case the method of assessment prescribed in terms of these by-laws does not reflect the true permanganate value (PV) of the industrial effluent, the Service Provider may adopt such alternative method of assessment as does reflect the said value and shall assess the amount accordingly;
- 79.2.6 to provide all such information as may be required by the Service Provider to enable it to assess the amounts payable in terms of the tariff;
- 79.2.7 to provide and maintain at his/her own expense a meter measuring the total quantity of water drawn from any borehole, spring or other natural source of water and used on the property;

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 79.2.8 if any person in contravention of any provision of these by-laws discharges industrial effluent into a sewer or drainage installation, or causes or permits it to be so discharged or is about to do so, the Service Provider may, if it is of the opinion that such effluent is likely to cause damage to any sewer or drainage installation, mechanical appliance, sewage treatment works or sewage farm or process, forthwith after notifying the owner and/or occupier of the premises concerned of its intention to do so, close and seal off the drain or pipe conveying such effluent to the sewer or drainage installation for such period as it may deem expedient so as to prevent such effluent from entering the sewer;
- 79.2.9 the Service Provider shall not be liable for any damage occasioned by any action taken in terms of this section; and
- 79.2.10 a person shall not without the written permission of the Service Provider open or break the seal of a drain or pipe closed and sealed off in terms of this section or cause or permit this to be done.

80. METERING AND ASSESSMENT OF INDUSTRIAL EFFLUENT

- 80.1 The Service Provider may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device: Provided that the Service Provider may at its discretion enter into an agreement with any person discharging industrial effluent into the sewer or drainage installation, establishing an alternative method of assessing the quantity of effluent so discharged.
- 80.2 The Service Provider shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner and/or occupier of the premises on which it is installed. The Service Provider shall at its sole discretion determine the design, location, and layout for industrial effluent measuring installation. As a general rule, the combined and total effluent generated on a premises will be measured at one measuring installation on the perimeter of the premises. The Service Provider will have unhindered access to the measuring installation for the purposes of inspection, measurement, sampling and analysis of industrial effluent.
- 80.3 The owner and/or occupier of any premises on which there is situated any borehole used for a water supply for trade or industrial purposes shall -
- 80.3.1 register such borehole with the Service Provider;
- 80.3.2 provide the Service Provider with full particulars of the discharge capacity of the borehole; and
- 80.3.3 if the Service Provider has reason to doubt the reliability of the particulars given, carry out at the expense of the owner and/or occupier such tests on the discharge capacity of the borehole as may, in the opinion of the Service Provider, be necessary for the purpose of these by-laws.

81. PROHIBITED DISCHARGES

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

- 81.1 A person shall not discharge or cause or permit the discharge or entry into any sewer of any sewage, drainage installation, industrial effluent or other liquid or substance -
- 81.1.1 which in the opinion of the Service Provider may be offensive to or may cause a nuisance to the public;
 - 81.1.2 which is in the form of steam or vapour or has a temperature exceeding 440C at the point where it enters the sewer or drainage installation;
 - 81.1.3 which has a pH value less than 6,0 or greater than 10,0;
 - 81.1.4 which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer or drainage installation;
 - 81.1.5 which contains any substance having an open flashpoint of less than 930C or which gives off a poisonous vapour at a temperature below 930C;
 - 81.1.6 which contains any material of whatsoever nature, including oil, grease fat or detergents capable of causing an obstruction to the flow in sewers , drains or drainage installations or interference with the proper operation of a sewage treatment works;
 - 81.1.7 which shows any visible signs of tar or associated products or distillates, bitumen or asphalts;
 - 81.1.8 which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - 81.1.9 which either has a greater PV value, a lower or higher pH value or a higher electrical conductivity than specified in the relevant Appendix to these by-laws or which contains any substance specified in the said relevant Appendix in concentration greater than those there listed: Provided that the Service Provider may approve such greater limits or concentrations in respect of any such substance for such period or on such conditions as it may specify, taking into consideration the effect of dilution in the sewer or drainage installation and of the effect of such substance on the sewer or any sewage treatment process if the Service Provider is satisfied that in the circumstance the discharge of such substance would not -
 - 81.1.9.1 harm or damage any sewer or drainage installation, mechanical appliance, sewage treatment works or equipment; or
 - 81.1.9.2 prejudice the use of sewage effluent for re-use; or
 - 81.1.9.3 adversely affect any waters into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
 - 81.1.9.4 which contains any substance of whatsoever nature which in the opinion of the Service Provider -
 - 81.1.9.4.1 is not amenable to treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment process; or
 - 81.1.9.4.2 is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from

the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the of the National Water Act 36 of 1998 or the Water Services Act 108 of 1997; or

- 81.1.9.5 whether listed in the relevant Appendix to these by-laws or not, either alone or in combination with other matter may -
- 81.1.9.5.1 generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the sewers or manholes in the course of their duties; or
 - 81.1.9.5.2 be harmful to sewers, treatment plant or land used for the disposal of treated sewage effluent; or
 - 81.1.9.5.3 adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- 81.2 Any person receiving from the Service Provider a written order instructing him to stop the discharge to the sewer or drainage installation of any substance referred to in section 78.1, shall forthwith stop such discharge.
- 81.3 Any person who contravenes the provisions of section 78.1 or who fails to comply with an order issued in terms of section 81.2 shall be guilty of an offence. Should any person have failed to comply with the terms of an order served in terms of section 81.2 and such discharge is likely in the opinion of the Service Provider serious enough to prejudice the efficient operation of any sewage treatment works, the Service Provider may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer or drainage installation until such time as the industrial effluent complies in all respects with the Service Provider's requirements as prescribed in terms of these by-laws, in which event the discharge shall forthwith be stopped by the person responsible for the discharge or by the Service Provider in the event of his/her failure to do so.

82. LEAKAGES

- 82.1 A person shall not cause or permit any pipe, sewerage installation, tap or fitting to leak, and no tap, fitting or sewerage installation shall be installed in such position that any leakage cannot readily be detected.
- 82.2 A user and/or occupier shall not as of right be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the user and/or occupier installation, but may apply, after detection and proof of repair of such faulty fittings or leakage by a qualified plumber, apply to a Service Provider for a rebate which may be granted in the discretion of the Service Provider, in which case the following shall apply:
- 82.2.1 the average monthly consumption of water upon the premises served by the meter during the 3 (three) months prior to the last correct registration, or, if this is not possible;
 - 82.2.2 the corresponding month's consumption of water upon the premises in the previous year, or, if this is not possible; and

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

82.2.3 the average monthly consumption of water upon the premises served by the meter over a period of 3 (three) months after repair or replacement of the meter has been effected or it again correctly reflects consumption, as the case may be.

82.3 Notwithstanding the above, a user and/or occupier shall only be entitled to a reduction in the account for the period during which the fitting was faulty or the leakage occurred, but subject to a maximum period of four months.

83. REPEAL OF LAWS

The Drainage and Sanitation Services By-Laws, Local Authority Notice and any amendments thereto, are hereby repealed in its entirety.

84. COMMENCEMENT

These by-laws take effect on a date fixed by the Service Authority by proclamation in the Provincial Gazette.

APPENDIX I

LIMITS OF PERMANGANATE VALUE (PV), pH AND ELECTRICAL CONDUCTIVITY AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES

1. The following are -

- 1.1 the limits of the PV, pH and electrical conductivity; and
- 1.2 the substances and the maximum permissible concentrations thereof, expressed in milligrams per litre (mg/l) -

GENERAL

PV - not to exceed 1 400 mg/l

pH - within the range 6,0 - 10,0

Electrical conductivity - not greater than 500 mS/m at 20°C

Caustic alkalinity (expressed as CaCO₃) 2 000 mg/l

Substances not in solution (including fat, oil grease, waxes and like substances) 2 000 mg/l

Substances soluble in petroleum ether 500 mg/l

Sulphides, hydro-sulphides and polysulphides (Expressed as S) 50 mg/l

Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (Expressed as HCN) 20 mg/l

Formaldehyde (expressed as HCHO) 50 mg/l

Non-organic solids in suspension 100 mg/l

Chemical oxygen demand (COD) 5 000 mg/l

All sugars and/or starch (expressed as glucose) 1 500 mg/l

Available chlorine (expressed as Cl) 100 mg/l

Sulphates (expressed as SO₄) 1 800 mg/l

Fluorine-containing compounds (Expressed as F) 5 mg/l

Anionic surface active agents 500 mg/l

METALS

Group 1, including but not limited to:

Iron (expressed as Fe)

Chromium (expressed as CrO₃)

Copper (expressed as Cu)

Nickel (expressed as Ni)

Zinc (expressed as Zn)

Silver (expressed as Ag)

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Cobalt (expressed as Co)

Tungsten (expressed as W)

Titanium (expressed as To)

Cadmium (expressed as Cd)

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg/l, nor shall the concentration of any individual met exceed 20 mg/l.

Group 2, including but not limited to:

Lead (expressed as Pb)

Selenium (expressed as Se)

Mercury (expressed as Hg)

Manganese (Mn) The substances and its allowable concentrations in all forms are not limited to the above lists. The Service Provider may from time to time add any other substance to the above list providing that it is in the opinion of the Service Provider in line with the provisions of related acts, laws and regulations, such as National Water Act 36 and Water Services Act 108.

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/l, nor shall the concentration of any individual metal in any sample exceed 5 mg/l.

OTHER ELEMENTS

Arsenic (expressed as As)

Boron (expressed as B)

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/l.

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any Department in the provincial or national sphere of government.

Provided that, notwithstanding the requirements set out in this Appendix, the Service Provider reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sewers or drainage installations from any premises.

NOTE: The method of testing in order to ascertain the concentration of any substance here mentioned shall be the test normally used by the Service Provider for the purpose. Any person discharging any substance referred to in this Appendix shall ascertain the details of the appropriate test from the Service Provider.

APPENDIX II

RULES FOR DETERMINING THE FOUR-HOUR PERMANGANATE VALUE (PV) OF INDUSTRIAL EFFLUENTS

NOTE: These rules are to all intents and purposes a re-statement in the form of by-laws of the "Methods of Chemical Analysis as applied to Sewage and Sewage Effluents" as published by the British Ministry of Housing and Local Government, H.M. Stationery Office, 1956.

PART I

PROCEDURE FOR THE PREPARATION OF RE-AGENTS

For the preparation of potassium permanganate solution, being approximately, $N/80$, the procedure described in this rule shall be followed.

4 grams $KMnO_4$ shall be dissolved in one litre of hot distilled water contained in a large beaker covered with a clock glass, the solution being maintained at $90^{\circ}C$ to $95^{\circ}C$ for not less than two hours if possible.

The said solution shall be diluted to 10 litres with distilled water and set aside in darkness until complete oxidation of any organic matter has taken place and any precipitated manganese dioxide has settled.

The supernatant liquid shall be carefully decanted or siphoned off so that the disturbance of any sediment is avoided.

Notwithstanding anything contained in this rule, it shall be permissible alternatively to filter the solution through a funnel having a sintered-glass element, through glass wool or through asbestos fibre which has been previously digested with nitric and hydrochloric acids and then thoroughly washed with water: Provided that the solution shall not be filtered through paper.

All necessary measures shall be taken to prevent the solution from being contaminated by dust or organic matter.

Daily blank determinations shall be made to check the strength of the potassium permanganate solution.

NOTE: When the method described above is carefully followed and the solution stored in amber bottles or in the dark it is stable for several months.

For the preparation of a stock solution, $N/4$, sodium thiosulphate the procedure described in this rule shall be adopted.

63 grams of sodium thiosulphate, $Na_2S_2O_3 \cdot 5H_2O$, shall be dissolved in one litre of copper-free, freshly boiled and cooled distilled water, and one milliliter of chloroform or 10 milligrams iodide shall be added to stabilise the solution.

The solution shall be allowed to stand for several days before it is used.

For the preparation of a working solution of $N/80$, sodium thiosulphate the procedure described in this rule shall be adopted.

50 milliliters of stock solution shall be diluted to one litre with copper-free, freshly-boiled and cooled distilled water, and one milliliter of chloroform or 10 milligrams of mercuric iodide shall be added.

The resulting solution shall be standardized against potassium iodide at frequent intervals.

The solution shall be stored in an amber glass bottle having a rubber stopper.

Any solution remaining in the burette at the end of the day shall be discarded.

Potassium iodide solution, $N/40$, for standardizing a thiosulphate solution in terms of rule of this Appendix, shall be prepared by dissolving in a little water 0,892 gram of pure potassium iodide which has been previously dried at 120°C and diluting the resulting solution to exactly one litre.

NOTE: The solution will keep for a very long time if stored in a glass stopper bottle.

For the preparation of dilute sulphuric acid the procedure described in this rule shall be adopted.

One volume of concentrated sulphuric acid shall be added to three volumes of water, care being taken to add the acid in small quantities at a time.

Adequate and effective precautions shall be taken against the spitting of acid and the cracking of glass vessels owing to generation of heat.

After the mixing referred to in sub-rule has been completed, sufficient $N/80$ permanganate solution shall be added to give a faint permanent pink tint to the mixture.

For the preparation of potassium iodide solution 10 grams of potassium iodide shall be dissolved in 100 milliliters of water and stored in an amber glass bottle.

For the preparation of a starch reagent the procedure described in this rule shall be adopted.

One gram of soluble starch shall be ground into a smooth paste with a little cold distilled water.

The resulting paste shall be poured into one litre of boiling distilled water and the pouring shall be accompanied by constant stirring.

The resulting solution shall be boiled for one minute and shall then be allowed to cool before it is used.

The solution shall only be used if it has been freshly prepared.

Notwithstanding anything in this rule contained, it shall be permissible alternatively to use a solution containing a preservative so long as it is known that the preservative does not interfere with the reaction.

If mercuric iodide is used, about 10 milligrams thereof shall be added to the starch when the latter is being ground with water.

It shall also be permissible as an alternative to add 0, 1 gram of thymol to the boiling water which is used for making the starch solution.

A solution of sodium starch glycolate may be used as an alternative to starch solution, one to two milliliters of a 0,5 per cent solution in cold distilled water being added at the start of the titration.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

NOTE: The approach to the end-point is shown by the change from green to intense blue. At the end-point, which is sharp, the solution becomes colourless.

For the standardization of sodium thiosulphate solution the procedure described in this rule shall be adopted.

In a glass-stopper bottle having a capacity of about 350 ml there shall be placed 5 milliliters of potassium iodide solution as referred to in rule ,10 milliliters of $N/40$ iodide solution, in that order.

About 100 millilitres of water shall then be added.

Titration with thiosulphate solution shall be carried out immediately thereafter.

One millilitre of starch solution shall be added when the liquid has become pale yellow.

After the pale yellow liquid referred to in sub-rule has become blue the titration shall be continued until the solution has just become colourless.

NOTE: The normality of the sodium thiosulphate solution is then $N/80 \times 50$ /millilitres of sodium thiosulphate required.

The sodium thiosulphate can be used at this strength provided that the appropriate correction factor is used, but it is preferable to adjust the strength until exactly 50 millilitres are required for a repeat titration. The sodium thiosulphate is then exactly $N/80$ and one millilitre is equivalent to 0,1 milligram of oxygen.

PART II

DETERMINATION OF FOUR-HOUR PERMANGANATE VALUE (PV)

The procedure described in this rule shall be followed for the determination of four-hour permanganate value (PV).

Into a clean 350 ml glass-stopper bottle there shall be placed 10 millilitres of dilute sulphuric acid and 50 millilitres of $N/80$ potassium permanganate solution.

There shall be added to the potassium permanganate solution a volume of distilled water equal to the difference between 100 millilitres and the volume of the sample of industrial effluent to be tested.

The sample of industrial effluent shall immediately after being added to the solution referred to in sub-rule be mixed by gentle rotation of the bottle.

The mixture shall be maintained at a temperature of 27°C for four hours, and shall be remixed after one hour if the sample contains much suspended matter.

NOTE: For the most accurate results all the solutions should be heated to 27°C before mixing, but this is not necessary where a water bath is used. A water bath is preferable because, with most air incubators, any difference in temperature between the bottle and the incubator is only very slowly rectified.

After four hours there shall be added to the mixture either 5 millilitres of the 10 per cent potassium iodide solution or about 0,5 gram of solid potassium iodide.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Immediately after the said addition titration shall be carried out with N/80 sodium thiosulphate solution.

Towards the end of the process hereinbefore described there shall be added to the mixture two millilitres of starch solution.

As an alternative to the step prescribed by sub-rule, it shall be permissible to add two millilitres of sodium starch glycolate solution at the beginning of the titration.

Titration shall be carried out until the blue colour just disappears from any blueness which may return after standing shall be ignored.

A blank determination shall be made by the same procedure without the sample of industrial effluent but with the use of 100 millilitres of distilled water instead.

Not more than 50 per cent of potassium permanganate shall be used up during the test, and the quantity of the sample of industrial effluent added shall be proportioned accordingly.

PART III

CALCULATION OF PERMANGANATE VALUE

The permanganate value shall be calculated from the following formula:

Permanganate value (4 hours) mg/1 = $100 \frac{(a-b)}{c}$ where -

- (a) is the millilitres of N/80 sodium thiosulphate required for the blank determination;
- (b) is the millilitres of N/80 sodium thiosulphate required for the sample; and
- (c) is the millilitres of industrial effluent sample used.

APPENDIX III**FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE SEWER**

I (Name) _____ the undersigned, duly authorised to act on behalf of _____ and hereinafter referred to as the applicant, hereby apply in terms of the permission to discharge industrial effluent into the sewer or drainage installation on the basis of the information set out herein.

PART I**INFORMATION REGARDING PERSONS EMPLOYED AND WATER CONSUMED ON THE PREMISES**

Nature of the business or industry concerned _____

Name or style under which the business or industry is carried on _____

Address of the business or industry _____

P O Box _____

Stand(s) Nos. (No.) _____

Township _____

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 partner's

Description of industrial or trade process by which the effluent will be produced

Information relating to employees:

Office _____

Factory _____

Total number of daily employees _____

Number of shifts worked per day _____

Number of days worked per week _____

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Number of persons resident on the premises _____

Is a canteen provided? _____

Information relating to water consumption:

Kilolitres/Month

Approximate average monthly quantity of water purchased from the Service Provider for the use on the premises

Approximate average monthly quantity of water obtained from any borehole or other source

Quantity _____ of water _____ in _____ the _____ end-product _____

Quantity of water lost by evaporation _____

Quantity of water used as boiler make-up _____

Is water used on the premises, and subsequently discharged to sewer? _____

If the answer to the question above is "affirmative", Part II of this form must be completed.

Applicant's Signature _____

PART II

INFORMATION REGARDING THE CONSUMPTION OF WATER

The following information is required for the purpose of estimating the quantity of industrial effluent discharged into the sewer or drainage installation, and all figures given shall relate to the quantity of water taken over a period of six months.

Name of user and/or occupier or his/her representative. _____

Stand No. _____

Township: _____

TOTAL NUMBER OF KILOLITRES OF WATER CONSUMED IN SIX MONTHS

	Meter No.	Meter No.	Meter No.	Total
Water purchased from the Service Provider				
Water from borehole or other source				

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Water entering with raw materials				
Section of plant served by meter				
Total quantity of water consumed				

For the purposes of this estimate the total number of kilolitres of water used in six months for any of the purposes below mentioned may be left out of account.

Water used by staff for domestic purposes:

Shifts per Days per Allowance (Kilolitres)

--

--

--

Total

Daily employees (excluding residents)

Office

--

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Resident Persons

Canteen					
Total water used (in kilolitres)					

Water used in the operation of boilers:

	Boiler 1	Boiler 2	Boiler 3	Total
Type of boiler				
Rating <small>kg steam/hr/kilowatt</small>				
Hours steamed per month				
Total evaporation per month				
Condensate returned (in kilolitres)				
Percent of unreturned condensate discharged to sewer				
Coal burned - kg per month				
Water used for coal wetting (in kilolitres)				
Water used for ash quenching (in kilolitres)				
Quantity of blow down (in kilolitres)				
Does blow down enter sewer or drainage installation?				
Quantity of softener backwash water per month (in kilolitres)				
Total quantity of water used (in kilolitres)				

Water absorbed by the goods manufactured on the premises in six months: _____

Expressed as a percentage of the total consumption of water less the allowances for staff use: _____

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

Expressed as kilolitres per six months contained in the finished product*: _____

Kilolitres of water lost in six months by evaporation to the atmosphere:

By units of plant other than cooling tower _____ Kilolitres per six months;

By cooling towers:

	1	2	3	Total
Type of Tower				
Quantity of water circulated per six months (in kilolitres)				
Temperature drop (C)				
Estimated loss by evaporation (in kilolitres) Metered water fed to cooling towers (in kilolitres)				
Quantity of refrigerant in circulation in six months (in kilolitres)				
Total quantity of water lost by evaporation (in kilolitres)				

Quantities of water lost in six months from miscellaneous causes:

Total deduction (in kilolitres) _____

Grand total of deductions to be made in terms of subparagraph 2 of this paragraph

*Example: Soap factory: Yellow soap, 4 000 metric tons manufactured at 50 per cent moisture content _____ water in product 2 000 kilolitres (in six months).

Estimated process water discharged to sewer or drainage installation (arrived at by deducting the total quantity of permissible deductions shown in subparagraph 2 of paragraph 2 from total water consumed as shown in paragraph 1.

SIGNED: _____

BY OR FOR THE APPLICANT

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

BY OR FOR SERVICE PROVIDER

DATE: _____

PART III

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

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

Maximum temperature of effluent C _____

pH Value _____ pH _____

Nature and amount of settleable solids _____

Permanganate value (4 hours) strength _____

Maximum total daily discharge (kilolitres) _____

Maximum rate of discharge (kilolitres/hour) _____

Periods of maximum discharge (e.g. 07h00 to 08h00) _____

If any of the substances, or their salts, specified in the table are formed on premises a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

Table 7

Iron			Chromium	Nickel	Cadmium	Zinc
Silver	Cobalt	Tungsten	Titanium	Lead	Selenium	

Mercury	Arsenic	Boron	Cyanide	Nitrates	
Ammonium	Sulphides	Sulphates	Others		
Starch or sugars	Tar or tar oil			Grease and oil	
Synthetic detergents		Volatile solvents		Others	

Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent are to be furnished on a separate sheet and attached hereto.

PART IV

CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT

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

The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralizing tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.

The applicant shall submit to the Service Provider, if requested, plans showing the reticulation systems on his/her premises for water and industrial effluent.

The applicant shall, in addition to complying with the provisions of these by-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, also comply with any direction concerned with such protection given to him/her by the Service Provider verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.

The applicant shall notify the Service Provider, 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 or discharge of the industrial effluent specified in this application or in any of the facts stated by him therein.

The applicant shall within 30 days from the date of signature of this application procure an approved accurately representative sample of not less than five litres of the industrial effluent to be discharged to the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Service Provider for analysis and also submit to the Service Provider a report on the sample made by an analyst appointed by him/her : Provided that in the case of a newly established industry the period specified in this rule may be extended by the Service Provider for a period not exceeding six months or such further extended periods as the Service Provider in its discretion may from time to time in writing permit.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

The applicant hereby declares and warrants that the information given by him/her on this form or otherwise in connection with this application is to the best of his/her knowledge and belief in all respects correct.

The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Service Provider.

Thus done at _____ by the applicant

this _____ day of _____ 20 _____

Signature and capacity of the applicant.

Permission is hereby granted by me on behalf of the Service Provider, I being duly there unto authorised, for the discharge into the sewer in accordance with the Drainage and Sanitation By-Laws of industrial effluent as described in this form and in the circumstances therein set forth: Provided that his permission shall be revocable by the Service Provider at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant.

The said permission is given subject also to the following special conditions:

SIGNED: _____

SERVICE PROVIDER

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

APPENDIX IV

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 Service Provider will consider applications for lifting sewage only in respect of those parts of premises which cannot be drained by gravitation. In the case of a single basement, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewerage is permitted, the Service Provider will stipulate the rate of discharge, which will be normally limited to a maximum of 240 (two hundred and forty) litres per minute.

INFORMATION TO BE FURNISHED BY OWNER AND/OR OCCUPIER

The owner and/or occupier of the premises shall furnish the following information and the relevant literature and characteristic curves and sign the application and undertaking:

Make of appliance, name of supplier and purpose for which the appliance is designed: _____

kW rating and speed of motor: _____

Maximum rate of discharge in litres per minute: _____

Size of rising main and velocity of discharge: _____

Capacity and dimensions of storage tank - depth to be given as liquid depth below inlet drain: _____

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 Department and will be subject to the approval of that department.

The Service Provider may require the owner to supply a key to enable authorised personnel of the Service Provider to gain access to the mechanical appliance installation at all times.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

APPLICATION AND UNDERTAKING BY OWNER AND/OR OCCUPIER

I, the undersigned, hereby make application to install mechanical appliances for the lifting of sewage and accept without reservations, and undertake to abide by, the following conditions:

The maximum discharge rate shall not exceed _____ litres per minute;

The onus shall be on the owner and/or occupier of the premises to have the installation regularly serviced and maintain in a hygienic and efficient working condition at all times. Any necessary repairs or replacements are to be effected immediately, so that interruptions in operation are reduced to a minimum.

In the event of breakdowns from any cause whatsoever, the owner and/or occupier shall take immediate precautions to ensure that unhygienic conditions do not develop.

The Service Provider shall not be held responsible for any damages or claims which may arise through unhygienic conditions, installation stoppages, inefficient operation, explosion or other causes.

Authorised personnel of the Service Provider shall, at all times, be given unhindered access to the installation for the purpose of inspection.

SIGNED:

APPLICANT _____

OWNER

ERF NO.: _____ TOWNSHIP: _____

DATE: _____

FOR OFFICE USE ONLY

This application is approved and permission to install the proposed mechanical appliances for the lifting of sewage is hereby granted on the under mentioned conditions (if any):

CONDITIONS: _____

DATE: _____

SIGNED: _____

SERVICE PROVIDER

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW

APPENDIX V

REGISTRATION OF PLUMBERS AND DRAINLAYERS

All plumbers and drain layers must apply to register with the Service Authority and must provide proof of qualification and experience.

The Service Authority shall compile an approved list of plumbers and drain layers, and update the list from time to time, following applications to register.

WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW



CITY OF MBOMBELA

WATER SUPPLY BY-LAW

[COUNCIL RESOLUTION: A (1) OF 28 JUNE2017]

WATER SUPPLY SERVICES BY-LAWS

City of Mbombela being a Water Services Authority as defined in the Water Services Act 108 of 1997 (“the Service Authority”) hereby publishes the water supply services by-laws set forth hereinafter, which have been made by the Service Authority in terms of section 21 of the Water Services Act 108 of 1997.

TABLE OF CONTENTS

CHAPTER I.....	2
1. DEFINITIONS	2
2. PREAMBLE	5
3. DOMICILIUM CITANDI	5
4. INFRINGEMENT OF BY-LAWS	6
5. PRESUMPTION OF BREACH.....	6
6. ENTRY AND INSPECTION	6
CHAPTER II.....	6
7. CONNECTION BY SERVICE PROVIDER ONLY	6
8. CONNECTION TO OTHER WATER SUPPLY SYSTEMS	7
9. UNLAWFUL CONNECTIONS.....	7
10. DAMAGE TO WATER SUPPLY SERVICES WORKS.....	7
11. POLLUTION OF WATER SUPPLY	7
CHAPTER III.....	8
12. APPLICATION FOR WATER SUPPLY SERVICES	8
13. CONSUMER SERVICES AGREEMENTS.....	8
14. DEPOSITS	10
15. TARIFFS AND CHARGES	12
16. SPECIAL CONDITIONS OR PROVISION RELATING TO THE SUPPLY OF WATER	12
17. CUTTING OFF WATER SUPPLY SERVICES	13
18. TERMINATION OF CONSUMER AGREEMENT.....	14
19. DISCONNECTION OF SUPPLY OF WATER ON TERMINATION OF CONSUMER SERVICES AGREEMENT	14
20. SPECIAL RESTRICTIONS	15
21. FAILURE TO SUPPLY WATER.....	15
22. WATER PRESSURE	15
23. SALE OF WATER BY CONSUMERS.....	16
24. SPECIAL PROVISIONS GOVERNING THE SUPPLY OF WATER BY PORTABLE METERS	16
25. WATER SUPPLY FOR BUILDING PURPOSES	17
26. ALTERNATIVE METHODS OF SUPPLY	18
CHAPTER IV	18
27. PROVISION OF COMMUNICATION PIPE.....	18
28. A SEPARATE COMMUNICATION PIPE FOR INDIVIDUAL PREMISES	19
29. PROVISION, FIXING AND POSITION OF METERS	20
30. PROVISION AND POSITION OF STOP COCK	20
31. COST OF INSTALLING METER	20
32. OWNERSHIP OF METERS.....	20
33. SAFEKEEPING OF METERS.....	20

WATER SUPPLY SERVICES BY-LAW

34.	INTERFERENCE WITH, TAMPERING OR DAMAGE TO METERS	21
35.	REPAIRS TO METERS	21
36.	SUBSTITUTION OF OTHER METER	21
37.	QUANTITY OF WATER REGISTERED AND PAYMENT THEREFORE	21
38.	RECORDS OF SERVICE PROVIDER BINDING.....	21
39.	DISSATISFACTION WITH METER READING OR ACCOUNTS	22
40.	FAILURE OF METER TO REGISTER OR TO REGISTER CORRECTLY	23
	CHAPTER V	24
41.	PIPES ACROSS STREET	24
42.	PROVISION OF CONSUMER INSTALLATION.....	25
43.	COVERING OF CONSUMER INSTALLATION	25
44.	NOTICE TO INSPECT.....	25
45.	INSPECTION AND APPROVAL OF CONSUMER INSTALLATION AND ALTERATIONS THERETO	25
46.	PREPARATION OF CONSUMER INSTALLATION FOR AND INSTALLATION OF METER.....	25
47.	JOINTS.....	25
48.	TAPS, BALL VALVES AND FLUSHING VALVES	26
49.	DEPTH OF CONSUMER INSTALLATION PIPES BELOW GROUND	26
50.	LAYING OF PIPES IN PLACES WHERE POLLUTION MIGHT RESULT	26
51.	LEAKAGE OF TAPS OR PIPES.....	26
52.	PIPES AND STAND PIPES TO BE SECURELY FIXED	27
53.	CISTERN OR TANK IN GROUND.....	27
54.	TAPS FOR DOMESTIC USE.....	27
55.	CONNECTION OF SUNDRY APPARATUS.....	27
56.	CISTERN OR TANK	28
57.	OVERFLOW PIPE TO CISTERN TO TANK.....	29
58.	CAPACITY OF CISTERN	29
59.	WATER-HEATING APPARATUS	29
60.	MATERIAL OF CIRCULATING OR SUPPLY PIPES.....	29
61.	DISTANCE BETWEEN CONSUMER INSTALLATION AND ELECTRIC WIRES....	30
	CHAPTER VI	30
62.	SPECIAL PROVISIONS	30
63.	PAYMENT FOR SERVICES.....	30
64.	COMMUNICATION PIPES FOR FIRE-EXTINGUISHING SERVICES	30
65.	VALVES IN COMMUNICATION PIPES.....	31
66.	EXTENSION OF SYSTEM	31
67.	EXTENSION OF SYSTEM TO OTHER PREMISES	31
68.	INSPECTION AND APPROVAL OF FIRE-EXTINGUISHING SYSTEM.....	31
69.	CONNECTION TO BE AT THE DISCRETION OF SERVICE PROVIDER.....	31
70.	METERS IN FIRE-EXTINGUISHING COMMUNICATION PIPES	32

71.	PROVISION OF PRESSURE GAUGE	32
72.	INSTALLATION OF REFLUX VALVE.....	32
73.	SPRINKLER EXTINGUISHING INSTALLATION.....	32
74.	HEADER TANK OR DOUBLE SUPPLY FROM MAINS	32
75.	ANNUAL CHARGES FOR SPRINKLER AND DRENCHER INSTALLATION	33
76.	ANNUAL CHARGES FOR PRIVATE HYDRANT INSTALLATIONS.....	33
77.	SEALING OF PRIVATE FIRE HYDRANTS	33
	CHAPTER VII	34
78.	DIAMETER OF PIPES.....	34
79.	MATERIAL OF CONSUMER INSTALLATION PIPES	34
80.	PIPES AND FITTINGS TO WITHSTAND 2 000 KPA PRESSURE	34
81.	TAPS, BALL VALVES AND FLUSHING VALVES	35
82.	OFFENCES AND PENALTIES	35
83.	INTERPRETATION	36
84.	REPEAL OF LAWS	ERROR! BOOKMARK NOT DEFINED.
85.	COMMENCEMENT	36

CHAPTER I

GENERAL PROVISIONS

1. Definitions

For the purpose of these by-laws, any word or expression to which a meaning has been assigned in the Water Services Act 108 of 1997 and the Local Government: Municipal Systems Act 32 of 2000 shall bear the meaning so assigned to it in these by-laws and, unless the context otherwise indicates –

“apparatus” means any equipment, tool, device, meter, connection, system or network, service connection, service protection device, articulation network, communication pipe, supply mains, or part thereof, supplied or used in the supply, distribution or conveyance of services or the measurement or consumption of services;

“authorized personnel” means any employee, agent, sub-contractor, or representative of a Service Provider or any person duly authorized by the Service Provider to perform any function under these by-laws;

“breach” shall include damage, tampering, interference, breaking, violation, interruption and severance;

“communication pipe” means any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such

WATER SUPPLY SERVICES BY-LAW

main, or in the case where the meter is installed inside the premises of any consumer in terms of these by-laws, as far as the inlet of the meter;

“consumer” means any end user who receives water from a Water Services Provider, including an end user in an informal settlement;

“consumer conditions” means the conditions set for the provision of water services in compliance with section 4 of the Water Services Act 108 of 1997;

“consumer installation” means collectively a pipeline, fitting or apparatus connected to a water services connection point and used by a consumer to gain access to the supply of water supply services (including any other loose standing system used for such purposes but not connected to the water supply services works) or, if the context is appropriate any one of them and includes a meter attached to such pipeline, fitting or apparatus, which shall comply with the prescribed standards as determined by the Service Provider;

“consumer installation pipe” means any pipe included in any consumer installation;

“consumer services agreement” means an agreement between a consumer and a Service Provider for the provision of water supply services;

“damage” means the willful or negligent act of damaging, interference or tampering with any pipeline, fitting or apparatus;

“date of proclamation” means the date upon which these by-laws commence in terms of Clause 835 of these by-laws;

“domestic purpose” includes every kind of household purpose, but shall not include the use of water for any engine or machine, or for any mining or quarrying operations, or for the flushing of any sewer or drain, or for any purpose connected with any trade, manufacture or business, or for the cleaning of any road, path or pavement, or for garden purposes or for the watering of any tennis court, bowling green or any other ground used in connection with sporting or recreational purposes;

“main” means any pipe, aqueduct or other work under the exclusive control of a Service Provider and used by it for the purpose of conveying water to consumers, but shall not include any communication pipe;

“Municipality” means the Mbombela Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Disestablishment of

existing municipalities and establishment of new municipalities;

“occupier” in relation to any premises means:

- (i) any person in actual occupation of such premises.
- (ii) a person indicated as such in the service agreement;
- (iii) a person appearing as such on the records of a Service Provider;
- (iv) any person legally entitled to occupy such premises;
- (v) in the case of such premises being let to boarders or tenants, the person receiving the rent payable by such boarders or tenants, whether for his/her own account or as agent for any person entitled thereto, or entitled to receive such rent;
- (vi) any person in charge of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

“owner” means the owner of land in terms of the common law and includes:

- vi(a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of court;
- vi(b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- vi(c) in relation to state land not controlled by a person contemplated in paragraph vi(a) or a community:
 - a) the Minister of the Government Department or the Member of the Executive Council of the Provincial Administration exercising control over that state land; or
 - b) a person authorized by him or her; and
 - c) in relation to a Local Authority, the Municipal Manager of the Local Authority or a person authorized by him or her; and
 - d) in the case of such premises being let to boarders or tenants, the person receiving the rent payable by such boarders or tenants, whether for his/her own account or as agent for any person entitled thereto, or entitled to receive such rent; and

“own” shall have a corresponding meaning;

“premises” means any land and any building, erection or structure above or below the surface of any land;

“prescribed standards” means the standards which all the design, installation, operation and maintenance of consumer installations must comply with, including but not limited as determined by a Service Provider, or as published by the South African National Standards (SANS) or the South African Bureau of Standards (SABS) or required by any other legislation.

“street boundary” means in relation to a premises a boundary of such premises, which abuts any street;

“street” means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge, which a) vests in the Municipality or b) the public has the right to use or c) is shown on a general plan of a township filed in a deeds registry or Surveyors General Office and has been provided or reserved for use by the public or the owners of erven in such township, and includes a right of way servitude;

“tamper” means the interference with, damage to, alteration of, connection to, removal of, painting or defacing of any pipeline, fitting or apparatus.

“tariff” means the tariff of charges determined by the Water Services Authority from time to time in accordance with these by-laws.

“unlawful connection” means a connection with any main pipe, communication pipe, reservoir, hydrant, conduit pipe, cistern or other component of the water supply services works without the authorization of a Service Provider.

“water services area” means the respective area or areas within the municipal boundaries of the Municipality to which water services are provided by a Service Provider;

“water services authority” means the Municipality and "service authority" shall have a corresponding meaning.

“Water Services Provider” means the Water Services Authority and any Water Services Provider who provides water services to consumers in a water services area pursuant to a written contract with the Water Services Authority and "Service Provider" shall have a corresponding meaning;

“water supply services works” means all movable and immovable assets owned, leased, installed, provided by or used by a Service Provider to supply water supply services to consumers, consisting of inter alia any reservoir, dam, well, pump house, borehole, access road, pumping installation, water purification plant, sewage treatment plant, electricity transmission line, pipeline, meter, fitting or apparatus;

2. Preamble

No provision in these by-laws shall by implication or otherwise impose on a Service Provider the primary and direct duties and obligations of the Municipality under the Water Services Act 108 of 1997 and the Constitution of Republic of South Africa, 1996.

3. Domicilium Citandi

3.1 For the purpose of the service of any process, notice, order or other document in terms of these by-laws, the address of the consumer registered in the records of a Service Provider shall be deemed to be the domicilium citandi et executandi of the consumer.

3.2 For purposes of all notification of any document or invoice as described in 3.1

WATER SUPPLY SERVICES BY-LAW

above, it will be presumed received by the consumer at the address as stated in 3.1 within 5 (five) days from date of ordinary mail, or 7 (seven) days if posted by registered mail, unless proven to the contrary by the consumer.

4. Infringement of By-Laws

- 4.1. Any owner or occupier having or using upon his premises, and any person providing, installing, laying down or connecting, or causing or permitting to be provided, installed, laid down or connected, upon any premises any consumer installation or part thereof or any meter or apparatus which fails to comply with the requirements of these by-laws, shall be guilty of an offence in terms of these by-laws.
- 4.2. Any person who in any manner willfully damage, tamper or interfere with any pipeline, fitting or apparatus shall be guilty of an offence. (See also 17, 20 and 82).

5. Presumption of Breach.

Any breach of these by-laws committed on the premises of any consumer shall be deemed to be a breach by that consumer of these by-laws unless and until he/she shall prove to the contrary.

6. Entry and Inspection

- 6.1. Authorized personnel may for any purpose connected with the carrying out of these by-laws at all reasonable times or at any time in any emergency and without previous notice, enter upon any premises and make such examination and enquiry thereon as may be deemed necessary: Provided that upon entry on any premises such authorized personnel, if required, shall state the reason for such inspection, examination and enquiry and shall provide a letter or identification card which identifies them as authorized personnel.
- 6.2. Should such authorized personnel consider it necessary for the purpose of examination or inspection or of carrying out any other work in terms of these by-laws, he/ she may at the expense of the consumer after having given 24 hours' notice, or without giving any notice if in his/her opinion immediate action is necessary, move any earth, gardening, concrete, brick, wood or metal work or any other part of such premises.
- 6.3. A Service Provider shall not be liable to pay any compensation in respect of work carried out by authorized personnel in terms of Clause 6.2: Provided that where any such inspection is made for the sole purpose of establishing a breach of these by-laws and no such breach is discovered, that Service Provider shall bear the expense connected with such inspection together with that of restoring the premises to their former condition.

CHAPTER II

PROVISIONS RELATING TO SUPPLY OF WATER

7. Connection by Service Provider Only

WATER SUPPLY SERVICES BY-LAW

No connection shall be made to any main or communication pipe except by authorised personnel. The consumer may connect the consumer installation to the communication pipe or, in the case of a meter installed inside any premises, to the outlet pipe from the meter, provided that the consumer has entered into a consumer services agreement with a Service Provider and notified that Service Provider of the connection in writing.

8. Connection to Other Water Supply Systems

No consumer installation pipe, tank, cistern or other apparatus for storing or conveying water supplied by a Service Provider or individual consumers shall be directly or indirectly connected with any system or source of water supply other than the water supply services works.

9. Unlawful Connections

- 9.1. No person shall make an unlawful or unauthorized connection, and no person shall, in the absence of a consumer services agreement with a Service Provider having jurisdiction in that water services area or contrary to the provisions of any such agreement, take any water from or accept any water from the water supply service works or use water services from a source other than the Service Provider without the prior written approval of the Service Provider.
- 9.2. A Service Provider will have the right to eliminate unlawful connections, in terms of the following procedure -

Should any consumer fail to legalise his/ her connection to the works within 14 (fourteen) days of receipt of a notification, the Service Provider shall be entitled, without prejudice and in addition to its other rights in respect of the consumer, to forthwith limit and/or cut-off the provision of any or all water supply services to such consumer. The water supply services of all consumers who reconnect illegally to the water supply services works, having been limited and/or cut-off in terms of this section, may be cut-off forthwith by the Service Provider without any further notice.

10. Damage to Water Supply Services Works

- 10.1. No person shall willfully or negligently damage or cause to be damaged the water supply services works.
- 10.2. If any person damages the water supply works, a Service Provider responsible for such water supply works may require the person to fix the damage caused to the reasonable satisfaction of the Service Provider, alternatively claim the reasonable cost of rectification of the damages from the person causing the damage.

Drafting note: should "or consumer" be added

11. Pollution of Water Supply

No person shall, in respect of any stream, reservoir, aqueduct or other place which forms part of the water supply services works:

- 11.1. bathe or wash, dispose of or cause or permit to enter therein any animal;

- 11.2. throw any rubbish, dirt, filthy or other deleterious matter therein, or wash or cleanse therein any cloth, wool, leather or skin of any animal, clothes or other matter; or
- 11.3. cause or permit the water of any sink, sewer, drain, steam engine, boiler or any other unclean water or liquid for the control of which he /she is responsible, to run or be brought therein, or do any other act, with the result that water intended for consumers may be polluted.

CHAPTER III

CONDITIONS OF SUPPLY OF WATER

12. Application for Water Supply Services

- 12.1. Application for the supply of water for any purpose whatsoever shall be made to and in a form prescribed from time to time and in which the applicant shall state for what purpose the water is required.
- 12.2. The act of applying for services and/or paying a deposit for services does not imply that the consumer will receive a service. Approval of application for services may be given subject to conditions which the consumer shall comply with. The Consumer shall be entitled to request reasons for not receiving the service applied for, which reasons shall be provided by the Service Provider within 14 (fourteen) days of being requested thereto.

13. Consumer Services Agreements

- 13.1. No water services shall be provided to any premises unless a written agreement governing the supply and cost thereof has been entered into as determined by a Service Provider within its administrative, logistical and financial capability.
- 13.2. Such agreement shall be entered into by the owner and/or occupier, where applicable.
- 13.3. The owner and/or occupier shall be jointly and severally liable for payment of all water services and charges whether or not a consumer agreement has been entered into.
- 13.4. It is the duty of the owner and/or occupier to ensure at all times that the consumer is not in arrears with payments.
- 13.5. A Service Provider may require that service applications for business entities, including but not limited to trusts, companies, close corporations, partnerships, sole proprietors and voluntary associations shall be subject to the following:

- 13.5.1. A resolution shall be submitted whereby authority to enter into the agreement is delegated to the signatory;
- 13.5.2. The business entity's registration number, VAT registration or IT number shall be submitted, if applicable;
- 13.5.3. The names, addresses and all relevant contact particulars of all the business's directors or members or trustees or proprietors or partners or executive members must be submitted with the resolution;
- 13.5.4. That any one or more or all partners/members/directors/trustees must sign as surety and co-principal debtor for the due fulfillment of all the obligations of the business entity;
- 13.5.5. The signatory to the agreement shall warrant that he/she is duly authorized to do so, that all information supplied is true and correct and shall further warrant that the business is not trading in insolvent circumstances; and
- 13.5.6. In the agreement consumers shall warrant that all information supplied are correct and that liability is accepted for all water services and charges, costs of collection and interest on overdue accounts in the event of accounts being in arrears.
- 13.6. A Service Provider shall provide a consumer with a copy of the service agreement upon signature thereof.
- 13.7. A Service Provider shall decide to which premises meters shall be provided.
- 13.8. Meters shall be read during such intervals as may be decided by the Service Provider and/or as prescribed by legislation from time to time. The Service Provider may during the period between meter readings render to the consumer a provisional account in respect of part of such period, and the amount of such account shall be determined as provided in sub-clause 13.9 and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on his actual metered consumption during that period giving credit to the consumer for any sum paid by him on a provisional account as aforesaid: Provided that an account may be rendered for fixed charges in terms of the tariff as and when the same becomes due.
- 13.9. The amount of a provisional account referred to in sub-clause 13.8 shall be determined by the Service Provider by reference to such previous consumption, if any, on the same premises as would constitute a reasonable guide to the quantity of water consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the Service Provider shall determine the amount of the said account by reference to such consumption on other similar premises as would constitute a reasonable guide.
- 13.10. Where a meter has not been read the Service Provider must average the consumption by debiting the account with the average monthly reading for the preceding three months, if the history of the account is

available. Where no such history exists, the consumer shall pay an estimate as provided for in paragraph 13.9 above.

- 13.11. When a meter is replaced, the consumer shall be informed thereof in writing.
- 13.12. In the event of a service being metered but cannot be read due to practical, financial or human resource constraints or circumstances out of the control of a Service Provider, and the consumer is then charged for an average consumption as contemplated in paragraph 13.10, the account following the reading of the meter consumption shall articulate the difference between the actual consumption and the average consumption and the resulting credit or debit adjustment.
- 13.13. Every consumer shall give an authorized representative of a Service Provider access at all reasonable hours to the property in order to read, inspect, install, repair or replace any meter or service connection for reticulation, or in order to disconnect, stop, restrict or reconnect the provision of any service.
- 13.14. In the event of access not being reasonably possible a Service Provider may relocate a meter and the consumer shall be responsible for payment of the costs of such relocation.
- 13.15. In the event of reasonable access not being possible a Service Provider may:
- 13.15.1. by written notice require the consumer to restore access at his/her own cost within a specified period; or
- 13.15.2. restore access without prior notice and recover the costs thereof from the consumer.
- 13.16. The amount payable for water consumed shall be as prescribed in the tariff and it shall be a condition of the supply of water in terms of every consumer services agreement that payment therefore by the consumer shall be effected in the manner prescribed in terms of sub-clause 13.5, read with Clause 39.2 .

14. Deposits

- 14.1. Every applicant for water supply service shall, before such supply is given, deposit with a Service Provider a sum of money on the basis of the cost of at least the maximum consumption of water which the applicant is in the opinion of the Service Provider likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff, and further provided that such sum may be fixed by the Service Provider in its discretion having regard to the risk profile of the consumer.
- 14.2. Notwithstanding the foregoing provision of this clause a Service Provider may, in lieu of a deposit, accept from an applicant a guarantee for an amount calculated in accordance with sub-clause 14.1 above and in the form prescribed by the Service Provider, as security for the payment of any amount that may become due by the applicant for, or in

respect of, the supply of water: or such other amount as determined by the Service Provider from time to time and further provided that a guarantee shall only be accepted upon payment of at least 25 (twenty five) percent of the required deposit in cash.

- 14.3. Where as a result of default a Service Provider finds the deposit or guarantee to be inadequate for the purposes of sub-clause 14.1, the Service Provider may require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within 30 (thirty) days after being so required, deposit with the Service Provider such additional sum or furnish such additional guarantee as the Service Provider may require, failing which the Service Provider may discontinue the supply.
- 14.4. Any sum deposited by or on behalf of a consumer shall, on being claimed, after termination of the service agreement and after deducting any amount due by the consumer to the Service Provider be refunded within 30 (thirty) days.
 - 14.4.1. Subject to the provisions of sub-clause 14.4 , any person claiming a refund of a deposit or part thereof, shall either -
 - 14.4.1.1. surrender the receipt which was issued for payment of the deposit; or
 - 14.4.1.2. if such receipt is not available, sign a receipt prescribed by the Service Provider for the refund to him/her of such deposit or part thereof; and satisfy the Service Provider that he /she is the person entitled to such refund.
 - 14.4.2. If a deposit or part thereof has been refunded in accordance with Clause 14.4.1 above, the Service Provider shall be absolved from any further liability in respect thereof.
- 14.5. The consumer services agreement may contain a provision that upon termination of the consumer services agreement any sum deposited by the consumer and not claimed within one year shall be forfeited to the Service Provider.
- 14.6. Notwithstanding the provisions of sub-clause 14.5, the Service Provider shall at any time pay - to the person who paid the deposit having satisfied the Service Provider of his/her identity and the amount; or to any other person who has satisfied the Service Provider that he/she is entitled to have the payment made to him, an amount equal to the forfeited deposit.
- 14.7. If a consumer applied to a Service Provider for a greater supply of water than he/she is receiving, the Service Provider may require the consumer to make an increased deposit or furnish an increased guarantee in terms of sub-clauses 14.1 and 14.3 before such supply is given.

15. Tariffs and Charges

- 15.1. The Water Services Authority shall levy the fees, charges and tariffs payable for the provision of water services by way of Council Resolution.
- 15.2. The tariffs and charges payable and the date of its implementation shall be published as prescribed in the Local Government: Municipal Systems Act No. 32 of 2000, as amended.
- 15.3. Such tariffs and charges may differentiate between different categories of consumers, services and service standards as well as geographical areas.

16. Special Conditions or Provisions Relating to the Supply of Water

- 16.1. A Service Provider shall have the right to attach special conditions or make special provisions relating to the supply, limitation or discontinuation of water supply services to any person or consumer or premises in any case where, by reason of the purpose for which the supply is desired, the nature or situation of the premises, the quantity to be supplied, the availability of supply or the method of supply, if it is in the opinion of the Service Provider necessary or desirable to attach special conditions or make special provisions relating to the supply or limitation or discontinuation thereof as the case may be.
- 16.2. Notwithstanding anything to the contrary contained in any other clause of these by-laws, it shall be lawful for a Service Provider in making such special provisions to stipulate any or all of the following:
 - 16.2.1. Where the Service Provider permits any person or consumer to re-sell water, it may recommend a price at which the water may be re-sold by such person or consumer, and may require that plans of any proposed water supply system and reticulation be submitted to the Service Provider from time to time for approval as a condition precedent to authority to re-sell being given;
 - 16.2.2. Where any consumer is given a supply by means of more than one connection from mains, the Service Provider may stipulate the manner in which and the times during which the supply from any one or each of such connections may be used by the consumer; and
- 16.2.3. The Service Provider may stipulate the maximum quantity over and above Basic Water Supply to be supplied to any consumer and may fix the hours or period during which any consumer shall be entitled to a supply.
- 16.2.4.
- 16.3. Save as is provided in sub-clause 16.2, the terms of any special conditions or provisions shall otherwise conform to the provisions of these by-laws.

17. Cutting Off Water Supply Services

17.1. Without paying compensation and without prejudice to its rights to obtain payment for the provision of water supply services to the consumer, and subject to the proviso below, the Service Provider may cut off, alternatively restrict, water supply services to any consumer where such consumer has -

17.1.1. failed or refused to pay any sum due to the Service Provider in terms of these by-laws;

17.1.2. willfully or negligently damaged or caused or permitted damage to be inflicted upon any component of the water supply services works;

17.1.3. committed a breach of any of the provisions contained in these by-laws, or in the consumer services agreement relating to such consumer; tampered or interfered with or caused or permitted any tampering or interference with any component of the water supply services works –

17.1.4.

Provided that: the protection of the public health shall be considered at all times; should any hospital, school, correctional service facility or other approved consumer whether public or private, be in default of its conditions of supply in respect of water supply services, the Service Provider shall notify the Municipality of the fact at least 14 (fourteen) days prior to cutting off water supply services;

17.1.5. default on an invoice must be for at least a period of 30 (thirty) days from its date of issue, as prescribed in clause 3.2;

17.1.6.

17.1.7. the Service Provider must have demanded payment from the consumer in respect of the outstanding amount in writing. In this instance the following provisions shall apply:

17.1.7.1. If an account is not paid by the 30th day from the invoice date, and unless extension for payment has been granted by the Service Provider, a written warning of possible disconnection of water supply will be forwarded to the consumer and in which notice the date of such disconnection shall be stipulated, which date shall not be less than 7 days, calculated from date of receipt of such notice as prescribed in clause 3.2.

17.2. The consumer will be deemed to have received such notice on the same day if delivered by hand, e-mail or telefax transmission, on the 5th day

after day of posting, if posted by ordinary mail and on the 7th day after date of posting, if posted by registered mail.

- 17.3. The Service Provider shall be entitled to disconnect the supply of water without any further notice if payment in full had not been made on the date stipulated in the notice.
- 17.4. Upon disconnection of the supply of water the Service Provider shall post a notice in a conspicuous place on the property wherein the consumer is informed that the supply has been disconnected, and that all water outlets should be closed. The said notice shall also advise that the supply will only be reconnected upon payment of the total amount specified in the notice together with the prescribed reconnection fee, or if an arrangement acceptable to the Service Provider has been made. Such notice shall also warn the consumer of the consequences of unauthorized reconnection or use.
- 17.5. The Service Provider shall restore services within a reasonable time after submission of proof of payment of the required amount, subject to logistical capacity. Services shall only be restored during official business hours except in instances deemed to be emergencies, and an additional after-hours fee shall then be charged by the Service Provider.
- 17.6. A Service Provider shall not be liable for damages to any consumer where the Service Provider cuts off water supply services to a consumer in the bona fide belief that any of the circumstances set out in sub-clause 16.1 apply.
- 17.7. The consumer shall pay to the Service Provider the fee as prescribed in the tariff for cutting off water supply services in terms of this clause.
- 17.8. Upon payment by the consumer of the outstanding amount due and payable in terms of the tariff schedule, including interest thereon, a reconnection fee payable in terms of the tariff schedule and increased deposit payment, the Service Provider shall re-establish water supply services as soon as reasonably possible.
- 17.9. Should the Service Provider have unlawfully cut off water supply services to a consumer, the Service Provider shall re-establish water supply services within a maximum period of 24 (twenty four) hours and the Service Provider will not be entitled to charge any sum in respect of the re-establishment of water supply services.

18. Termination Of Consumer Agreement

The consumer may at any time terminate the consumer services agreement entered into in terms of these by-laws by giving not less than 10 (ten) days notice in writing to the Service Provider of the intention to do so.

19. Disconnection of Supply of Water on Termination of Consumer Services Agreement

WATER SUPPLY SERVICES BY-LAW

Where a consumer services agreement has been terminated, a Service Provider shall be entitled to disconnect such supply: provided that no such disconnection shall be carried out where the new consumer accepts liability of payment for water consumed as from the date of the previous ordinary reading of the meter or for a special reading of the meter at the charge fixed in the tariff.

20. Special Restrictions

- 20.1. A Service Provider may, at any time restrict the supply of water to the whole or any portion of the Water Services area to such hours as it may decide, or restrict usage or types of usage, and it may prohibit the use of water for any specific purpose or for any purpose other than specified;
- 20.2. Any person using water during prohibited hours or for prohibited purposes or purposes other than specified after public notification of such prohibition by the Service Provider shall be guilty of an offence;
- 20.3. For the purpose of this section “public notification” shall mean publication in English, Afrikaans and siSwati in one or more issues of newspapers circulating in the Water Services area to which the notification apply.

21. Failure to Supply Water

The Service Provider shall under no circumstances whatsoever be liable to a consumer for any failure to supply water or for any defect in the quality of the water supplied, or for the consequences thereof unless caused by a willful act or by negligence of the Service Provider.

22. Water Pressure

- 22.1. Save as set out in these by-laws, no undertaking or guarantee shall be given by a Service Provider to supply or maintain any specified pressure of water at any time at any point in the water supply services works.
- 22.2. Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof: Provided that, subject to the provisions of this clause, a Service Provider may grant a supply to such premises from the main where such supply is available on such conditions as the Service Provider may impose.
 - 22.2.1. Where in the circumstances set out in sub-clause 22.2 it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected to the main.
 - 22.2.2. The suction pipe of any such pump shall be connected to a storage tank supplied with water from the main.

- 22.2.3. Such tank shall be constructed in accordance with the requirements of Clause 56 and shall have a minimum capacity of not less than 1/8th (one-eighth) of the average daily requirement of the consumer, as determined by the Service Provider, or one hour's capacity of the pumping system, whichever is the greater.
- 22.2.4. Such tank shall be fitted with an inlet control valve of the correct size so set as to admit water to the tank from the main at a rate equal to the average hourly requirement of the premises.
- 22.2.5. The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump or pump drive motors, or both in the event of stoppage of the supply of water from the main.
- 22.3. Prior to the installation of any such pumping system, full details thereof shall be submitted to the Service Provider for approval and authorization.

23. Sale of Water by Consumers

- 23.1. No consumer shall -
 - 23.1.1. sell any water supplied to him/her by a Service Provider, except as provided in terms of Clause 156; or
 - 23.1.2. take away or cause or permit to be taken away from his premises any such water except as provided for in Clause 43.

24. Special Provisions Governing the Supply of Water by Portable Meters

In addition to the provisions laid down in these by-laws, the following special provisions shall apply to the supply of water by portable meter and shall be deemed to have been included in every agreement for such supply:

- 24.1. A Service Provider may at its discretion provide water supply services to consumers from hydrants.
- 24.2. Where water is to be supplied by the Service Provider from hydrants, the Service Provider shall supply a portable meter for measuring such supply together with a stand pipe, hydrant coupling, hose pipes and necessary unions for connection to the meter.
- 24.3. The consumer shall pay to the Service Provider in advance the amount prescribed in the tariff in respect of each portable meter supplied, which amount shall be held by the Service Provider as security for the due fulfillment of all provisions of any agreement relating to the supply of such meter and the payment by the consumer to the Service Provider of the cost for all water supplied to him and all other payments due by him to the Service Provider in terms of such agreement.
- 24.4. The cost for water so supplied and for the use of the portable meter shall be at the rate prescribed in the tariff.

- 24.5. All accounts for water so supplied shall be paid by the consumer to the Service Provider within 7 (seven) days of the date of rendition of such an account.
- 24.6. Where water is taken by the consumer from a hydrant without such water passing through a portable meter, or where water is wasted before passing through such portable meter, the amounts prescribed in the tariff shall be paid by the consumer to the Service Provider for every day during which water is so taken or such waste continues.
- 24.7. The consumer shall-
- 24.7.1. upon taking delivery of the portable meter, sign a receipt acknowledging such meter to be in good order and condition, and
- 24.7.2. maintain and return such meter in the same good order and condition, fair wear and tear accepted.
- 24.7.3.
- 24.8. If the consumer fails to return the portable meter, he shall pay to the Service Provider the cost of a new meter, or if he returns such meter in a damaged condition, he shall pay to the Service Provider the cost of a new meter or the cost of repairs if such damaged meter can be satisfactorily repaired.
- 24.9. The consumer shall take delivery of and shall return the portable meter to the Service Provider at such place as the Service Provider may from time to time direct.

25. Water Supply for Building Purposes

- 25.1. Where, upon the application of any owner, authorized agent, builder or other authorized person, a supply of water for building purposes is provided to any premises, the cost of providing and fixing the communication pipe and the meter shall be borne by such owner, authorized agent, builder or other authorized person in accordance with the prescribed tariff.
- 25.2. Such owner, authorized agent, builder or other authorized person shall pay for water so supplied according to the tariff, alternatively may be required to pay a fixed amount reasonably determined by the Service Provider before water supply services will be provided to the premises.
- 25.3. If suitable for the purpose, the same communication pipe as is supplied in terms of this clause may be used for the permanent supply to the premises, provided that no permanent supply shall be made by means of such communication pipe until all the provisions of these by-laws have been complied with, and until a consumer agreement has been concluded in respect of such connection.

WATER SUPPLY SERVICES BY-LAW

26. Alternative Methods of Supply

26.1. A Service Provider may use the following methods for providing water supply services:

- 26.1.1. provision from a high level break tank of a capacity of not less than 170 litres (one hundred and seventy litres) complete with ball valve, which may be purchased from the Service Provider, provided that -
 - 26.1.1.1. the consumer will be responsible for the installation of the tank as well as the piping and fittings to connect the tank to the communication pipe
- 26.1.2. provision from a 200 (two hundred) litre ground level storage tank which may be purchased from the Service Provider, provided that -
 - 26.1.2.1. the consumer will be responsible for the installation of the tank on the premises as well for the piping to connect the tank to the communication pipe. The Service Provider will be responsible to fill the tank daily on pre-payment of the prescribed tariff; or
- 26.1.3. any other alternative method of supply, which satisfies the requirements of the Water Services Act 108 of 1997, and which meets with the approval of the Water Services Authority.

CHAPTER IV

GENERAL PROVISIONS RELATING TO METERED SUPPLIES

27. Provision of Communication Pipe

- 27.1. Upon the completion of a consumer services agreement between a Service Provider and any consumer and after the relevant provisions of these by-laws have been complied with, the Service Provider shall provide, lay down and maintain a communication pipe to serve such premises: Provided that the position of the communication pipe shall be as agreed between the Service Provider and the consumer, and if failing agreement as determined by the Service Provider.
- 27.2. The sum payable by such consumer in respect of such communication pipe shall be as prescribed in the tariff: Provided that in respect of any size or length of communication pipe not provided for in the tariff or in

cases where the tariff charge is insufficient to cover the cost of providing such communication pipe, the consumer shall pay such sum as may be determined by the Service Provider, having regard to the circumstances of the case.

- 27.3. Any amount due in terms of this clause shall be paid to the Service Provider in advance by the consumer prior to any construction being commenced with.

28. A Separate Communication Pipe for Individual Premises

For the purpose of supplying water thereto, a separate communication pipe shall be provided in respect of each and every premises or portion thereof in separate occupation: Provided that-

- 28.1. Where it appears to a Service Provider that hardship or grave inconvenience or other similar circumstance would otherwise result, the Service Provider may permit such supply by means of more than 1 (one) communication pipe;
- 28.2. Where more than 1 (one) communication pipe is permitted in terms of Clause 28.1, a charge shall be made in accordance with the tariff for each additional communication pipe and meter.
- 28.3. In case of sectional title premises, there shall be one communication pipe only, under the responsibility of the body corporate. Sectional title premises shall be served by a single bulk meter installed by a Service Provider, unless otherwise notified by the Service Provider. The specification and location of the bulk meter shall be determined by the Service Provider. All fittings, pipe work and maintenance beyond the bulk meter shall be consumer installations and the sole responsibility of the body corporate of the sectional title premises.
- 28.4. One communication pipe only shall be permitted by the Service Provider for the supply of water to a group or block of dwellings, flats, shops, offices or other buildings in single ownership. The owner and/or occupier undertakes to pay for the water supplied to each of the buildings comprising such group or block. Owners are responsible for payment of all tariffs, but tenants and consumers on any premises may be held jointly and severally responsible with the owners for the payment at the discretion of the Service Provider.
- 28.5. Where, in terms of sub-clause 28.3, more than 1 (one) building is supplied from 1 (one) communication pipe, a stop tap shall be fixed on each branch pipe leading there from to each such building for the purpose of turning off the supply of water to each such premises without interrupting the supply to the others;
- 28.6. Where a tap is fixed to a stand pipe from which water is intended to be supplied to more than 1 (one) premises, such tap shall be an approved type of self-closing tap.

29. Provision, Fixing and Position Of Meters

- 29.1. All meters shall be supplied and fixed in the communication pipe on the boundary of a premises, if possible, failing which, as near to the boundary as is possible and according to the specifications of the Service Provider.
- 29.2. If so required by the Service Provider, the consumer shall provide a suitable and safe place on the boundary of his/her premises or the nearest accessible point to such boundary in which to fix the meter and the Service Provider may install the meter in such place.
- 29.3. The Service Provider at the consumer's expense shall carry out any maintenance necessary in that portion of the communication pipe between the street boundary and the meter, where the meter is situated within the premises.
- 29.4. Combination meters may be installed by the Service Provider for communication pipes with a diameter in excess of 50mm.

30. Provision and Position of Stop Cock

- 30.1. A Service Provider shall, for its exclusive use, install a stop cock between the meter and the main.
- 30.2. The consumer shall, at his/her own expense, or the Service Provider may in its discretion and at the consumer's expense and for his/her exclusive use, provide and install a stop cock at a suitable point on the consumer installation immediately inside the boundary of the premises in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on the consumer's side of the meter.

31. Cost of Installing Meter

The consumer shall pay all amounts in connection with the installation of any meter irrespective of its position on the communication pipe supplying the premises, as are prescribed in the tariff.

32. Ownership of Meters

Any meter provided and installed by a Service Provider in terms of these by-laws, together with the fittings connected therewith, shall be and remain the absolute property of the Service Provider, and such meter shall at all times be under the sole control of the Service Provider.

33. Safekeeping of Meters

The consumer shall be responsible to the Service Provider for the safekeeping and condition of any meter supplying his premises and shall be liable to the Service Provider for any loss, damage, injury or tampering, which may be done to or sustained by such meter.

34. Interference With, Tampering or Damage to Meters

- 34.1. Only authorized personnel shall disconnect, interfere with or cause or permit any other person to disconnect or interfere with any meter or fittings connected therewith.
- 34.2. No person shall willfully damage any meter or fittings connected therewith.
- 34.3. No person shall use or permit to be used on any consumer installation any fitting, machine or appliance which causes damage or is in the opinion of a Service Provider likely to cause damage to any meter.

35. Repairs to Meters

- 35.1. In the event of repairs to any meter being found necessary, a Service Provider shall affect such repairs to such meter as soon as possible.
- 35.2. A Service Provider shall, at its own cost and expense, maintain and repair any meter provided by it to the extent of ordinary wear and tear.
- 35.3. Where any repairs have become necessary in consequence of such meter having been willfully or accidentally damaged or tampered with by the consumer, the consumer shall be liable for the cost of such repairs, including the cost of removal and re-installation thereof, or substitution if necessary, and such cost shall be payable by the consumer to the Service Provider on demand.

36. Substitution of Other Meter

A Service Provider may at any time at its own cost and expense disconnects and removes any meter and install and substitute any other meter in its discretion.

37. Quantity of Water Registered and Payment Therefore

The quantity of water registered by the meter as having been supplied to any consumer shall be deemed to be the quantity actually supplied.

38. Records of Service Provider Binding

In the absence of evidence showing, the onus whereof shall be on the consumer, either that any entry in the records of a Service Provider has been incorrectly made or that the meter was at a time of such reading in default or registering incorrectly, every consumer shall be prima facie bound by the entry in the records of the Service Provider, and it shall not be

necessary to produce the person who read the meter, or the person who made any particular entry, in order to prove such reading or entry.

39. Dissatisfaction with Meter Reading or Accounts

- 39.1. Each Service Provider shall, within practical and financial constraints establish:
- 39.1.1. a central complaints/feedback office; and
 - 39.1.2. a centralised database in order to enhance co-ordination of complaints and the, resolution thereof as well as effective communication with consumers;
- 39.2. A consumer may lodge a written request with the Service Provider for recalculation of an account, within 7 (seven) days of receiving that account if such customer is of the opinion that the account rendered is inaccurate.
- 39.3. If any consumer is at any time dissatisfied with any particular reading on a meter supplied by the Service Provider and is desirous of having such meter tested, he/she shall give written notice to the Service Provider within 7 (seven) days after receipt of notice from the Service Provider of such reading, and shall at the same time deposit with the Service Provider the amount prescribed in the tariff, and thereupon the meter shall be tested forthwith by the Service Provider.
- 39.4. If such meter is found to be registering correctly, the Service Provider shall retain the amount deposited with it.
- 39.5. If such meter is found to be registering incorrectly, the Service Provider shall refund the payment to the consumer and the Service Provider shall reaffix a meter in good working order without charge to the consumer, where applicable, and the charge for water consumed during the three months preceding the reading in dispute, shall be adjusted in accordance with the degree of error found: Provided that, where such meter has been installed for a period of less than 6 (six) months, such adjustment shall be over half such lesser period.
- 39.6. The meter shall be deemed to be registering correctly if when tested in accordance with SABS 1529, meets the specifications as set out within SABS 1529 relevant for the size of meter so tested.
- 39.7. Such a request must contain full personal and/or business particulars of the consumer, the relevant account number, direct contact number, address and any other particulars required by the Service Provider.
- 39.8. Pending the outcome of the request, the consumer must pay an amount equal to the average of the monthly total of the preceding three month's accounts where history of such an account is available. Where no such history is available the consumer shall pay an estimate provided, not later than the date due for payment thereof;

- 39.9. Failure to make interim payments as contemplated herein will render the customer liable for disconnection of the services.
- 39.10. Upon receipt of the notice of complaint, the relevant Service Provider shall give a written acknowledgment thereof, investigate the matter and inform the customer in writing of the outcome of such investigation. The Service Provider shall give reasons for its decision within 14 (fourteen) days after written request thereto.
- 39.11. Any adjustment to the consumer's account as a result of the investigation shall be made within a reasonable time.
- 39.12. No dispute, enquiry or complaint will be reconsidered after the outcome thereof has been communicated to the consumer.
- 39.13. If the consumer is not satisfied with the outcome of the complaint, the consumer must pay the amount in dispute under protest before approaching a court of law for the necessary relief.

40. Failure of Meter to Register or to Register Correctly

- 40.1. Where any meter is found to have ceased to register or is found to be faulty in any other respect, or where the actual consumption is not recorded correctly due to factors other than a faulty meter a Service Provider shall repair or replace such meter as soon as possible at no cost to the consumer, where applicable.
- 40.2. Unless it can be proven to the satisfaction of the Service Provider that a lesser or greater quantity of water has been consumed, the quantity of water to be paid for by the consumer from the date of reading of the meter prior to its failure to register or to register correctly up to the time of its repair or replacement or up to such time as it correctly reflects the consumption, as the case may be, shall be estimated by the Service Provider on the basis of -
 - 40.2.1. the average monthly consumption of water upon the premises served by the meter during the 3 (three) months prior to the last correct registration, or, if this is not possible;
 - 40.2.2. the corresponding month's consumption of water upon the premises in the previous year, or, if this is not possible;
 - 40.2.3. the average monthly consumption of water upon the premises served by the meter over a period of 3 (three) months after repair or replacement of the meter has been effected or it again correctly reflects consumption, as the case may be.
- 40.3. If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in sub-section 40.2, the consumer may be charged with the amount determined in accordance with the said sub-section or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of

12 (twelve) months prior to the date on which the meter was found to be registering incorrectly.

- 40.4. Meters will be tested in accordance with SABS 1529/1 "Water Meters for Cold Potable Water" (1998).
- 40.5. When a new or repaired meter is tested, the difference between the indicated volume and the actual volume of water that passes through the meter shall not exceed:
- 40.5.1. 5% of the actual volume passed at actual flow rates of less than qt; and
 - 40.5.2. 2% of the actual volume passed at actual flow rates of not less than qt.
- 40.6. When a used water meter is tested, the difference between the indicated volume and the actual volume of water that passes through the meter shall not exceed:
- 40.6.1. 8% of the actual volume passed at actual flow rates of less than qt; and
 - 40.6.2. 3,5% of the actual volume passed at actual flow rates of not less than qt.

CHAPTER V

PROVISIONS RELATING TO CONSUMER INSTALLATIONS

41. Pipes across Street

- 41.1. No consumer shall, without the written permission of the Municipality or the Road Authority having jurisdiction first had and obtained and except under such conditions as the Municipality or the Road Authority may prescribe, lay, fix, alter, construct or cause to be laid, fixed, altered or constructed any pipe, channel or conduit on, in or under any street, public place or lands forming part of the water services works, whether such water is derived originally from a Service Provider or from private sources of supply. For the purposes of this clause, the determination by the Municipality or the Road Authority shall be in consultation with the Service Provider.
- 41.2. Any person receiving such permission shall, where water supply services are available for the premises, pay to the Service Provider such rental for the pipe line as is prescribed in the tariff: Provided that where the water is paid for at the rates prescribed in the tariff, no additional charge shall be made for the pipe line.
- 41.3. When no water supply services are available, any permission given shall be conditional upon the payment of the charges referred to in Clause 37 immediately upon water supply services becoming available.

- 41.4. Any such permission may be withdrawn on not less than 1 (one) month's written notice to the consumer.

42. Provision of Consumer Installation

Every owner, occupier and/or consumer shall, at his/her own expense, provide, install, lay-down and maintain his/her own consumer installation.

43. Covering Of Consumer Installation

When any consumer installation is being or has been installed or any alteration or extension of any existing consumer installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension, or cause, permit or suffer it to be covered, until it has been inspected and approved by the Service Provider.

44. Notice to Inspect

When any work as referred to in Clause 43 has been carried out, it shall be the duty of the owner or of any other person occupying or in control of the premises to notify the Service Provider in writing of the fact that the work is ready for inspection by it in terms of that section.

45. Inspection and Approval of Consumer Installation and Alterations Thereto

- 45.1. No consumer installation shall be placed in use unless and until it has been inspected and a certificate of approval has been issued by a Service Provider.
- 45.2. Every additional fitting or alteration to an existing consumer installation already connected to the water supply services works, shall be subject to inspection by and approval of the Service Provider, and shall in the event of a certificate of approval not being issued, be altered to comply with these by-laws or be removed immediately.

46. Preparation of Consumer Installation for and Installation of Meter

- 46.1. Where a Service Provider agrees to supply water by meter to any premises not previously so supplied, the consumer shall, at his/her own expense, prepare his/her consumer installation for the installation of the communication pipe and the meter.
- 46.2. After the consumer installation has been prepared and approved by the Service Provider, and after payment of the charges prescribed in the tariff, the Service Provider shall connect the consumer installation to the communication pipe.

47. Joints

No joints except plumbing or other joints approved by a Service Provider shall be used

on any consumer installation.

48. Taps, Ball Valves and Flushing Valves

No tap, valve, water-mixer or other device for controlling or regulating the flow, pressure or temperature of water or other article shall be installed in any consumer installation unless -

- 48.1. it bears the appropriate standardization mark of the South African Bureau of Standards;
- 48.2. where for any reason not connected with the quality thereof, the said Bureau is unable or unwilling to place its standardization mark thereon but the Service Provider is satisfied by means of tests carried out by the Service Provider or any other competent person that it complies with the requirements of the relevant standard specification of the Bureau notwithstanding that it does not bear the mark of the Bureau, and the Service Provider has accordingly placed its stamp of approval thereon; or
- 48.3. it is certified or approved by the Agreement Board of South Africa and the Service Provider has accordingly placed its stamp of approval thereon.

49. Depth of Consumer Installation Pipes below Ground

All consumer installation pipes laid in the ground shall have a minimum cover of 400 (four hundred) mm as prescribed in SANS 1200.

50. Laying Of Pipes in Places Where Pollution Might Result

No person shall lay or install any pipe which is to be supplied with water by a Service Provider, through, in or into a sewer, drain, ash pit, manure hole or other place where, in the event of the pipe becoming unsound, the water conveyed through such pipe would be liable to become polluted or to escape without observation, or make use for the above purpose of any pipe so laid or installed: Provided that where it is impractical to lay or install such pipe in any other manner than aforesaid, the part thereof so laid or installed shall be carried through another cast iron tube or box of sufficient length and strength and of such construction as will afford proper protection to the pipe in the interior thereof and render any leakage or waste there from readily perceptible.

51. Leakage of Taps or Pipes

- 51.1. No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such position that any leakage cannot readily be detected.
- 51.2. No consumer shall as of right be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the consumer installation, but may apply, after detection and proof of repair of such faulty fittings or leakage by a qualified plumber, apply to

the Service Provider for a rebate which may be granted in the discretion of the Service Provider, where after the provisions of Clause 40.2 shall mutatis mutandis apply. Notwithstanding the above, the consumer shall only be entitled to a reduction in the account for the period during which the fitting was faulty or the leakage occurred, but subject to a maximum period of four months. .

- 51.3. Any work or repair, digging or replacement, or any other operation which a Service Provider undertakes to, or in respect of, its mains, including stop cocks, in order to enable a consumer to carry out repairs or other work to his/her own consumer installation, shall be undertaken by the Service Provider at the consumer's expense.

52. Pipes and Stand Pipes to Be Securely Fixed

- 52.1. All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass.
- 52.2. All stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the Service Provider, in such a manner as to prevent undue movement of such stand pipe or pipes.

53. Cistern or Tank in Ground

No cistern or tank buried or installed in any excavation in the ground shall be used for the storage or reception of water supplied by a Service Provider and intended for human consumption.

54. Taps for Domestic Use

Other than those discharging from the hot water system, taps to supply water for domestic purposes in dwelling houses or residential buildings or for drinking purposes on any other type of premises shall be connected to a consumer installation pipe at a point before such pipe goes into a cistern or tank and shall not be supplied from any cistern or tank: Provided that in buildings where a water supply is required above the level which a regular and adequate supply is available from the mains, it may be taken from a tank or cistern which shall be constructed in accordance with the provision of these by-laws.

55. Connection of Sundry Apparatus

- 55.1. No person shall cause or permit any consumer installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.
- 55.2. Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that a Service Provider may approve of any such fitment being connected direct to the consumer installation without the

interposition of a cistern or break-pressure tank, where adequate means for the prevention of reverse flow or re-entry of water from such fitment to the consumer installation are provided.

- 55.3. A Service Provider may require a consumer to install water saving or water efficient devices, which devices shall comply with the relevant prescribed standards as determined by the Service Provider.
- 55.4. A Service Provider may require that any consumer with a water dependent or water intensive activity provide on-site storage of at least 24 hours average consumption, at the consumers own risk and cost of the consumer. The material, design, installation and specifications of the on-site storage shall comply with the prescribed standards as determined by the Service Provider.

56. Cistern or Tank

No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless -

- 56.1. the cistern or tank is constructed of a material, which in the opinion of the Service Provider is sufficiently strong for the purpose and capable of resisting corrosion;
- 56.2. the cistern or tank is watertight, vermin proof, and properly covered and ventilated;
- 56.3. the cistern or tank is provided with access covers, which shall be bolted down or locked in position at all times, except when opened for inspection;
- 56.4. the inlet pipe to the cistern or tank is provided with a ball, tap or check valve of a type approved by the Service Provider;
- 56.5. the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;
- 56.6. a stop-cock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
- 56.7. a brass sampling cock is fitted to the cistern or tank to enable the Service Provider to draw samples of the water stored therein when necessary for testing purposes;
- 56.8. the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected;
- 56.9. In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the

Service Provider take immediate steps to drain the cistern or tank, cleanse it and disinfect it to the standards set by the Service Provider before re-filling and replacing in service;

56.10. When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer shall adequately repair or entirely replace the tank or cistern within 60 (sixty) days of receipt of written notice from the Service Provider to do so; and

56.11. When a continuous supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

57. Overflow Pipe To Cistern To Tank

Every cistern or tank shall be provided with an overflow or waste pipe, so that any overflow can be readily detected.

58. Capacity of Cistern

Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern holding not less than half a day's supply calculated according to the average daily consumption.

59. Water-Heating Apparatus

59.1. Every boiler, hot-water tank or other water-heating apparatus connected to a consumer installation pipe shall be of a type, design and material tested and approved by the Service Provider and shall be provided with an unobstructed outlet or expansion pipe, safety valve or other pressure release device which is adequate for the release of excess pressure, and the design, specification and position of which have been approved by the Service Provider and which releases either into the open air in a position where water discharging can easily be detected, or into the cistern supplying the water heating apparatus with water at a level above the level of the water in the cistern.

59.2. No person shall obstruct or perform any act which prevents or is likely to prevent the effective operation of any outlet or expansion pipe, safety valve, device, apparatus, pipe line or fitting.

59.3. A permanent notice shall be displayed in a conspicuous position on every such water-heating device directing attention to the danger of obstructing the outlet or other pipe or device.

60. Material of Circulating or Supply Pipes

Circulating or supply pipes for hot water may be of galvanized iron, copper, or any other SABS approved material except that where used for heating purposes only the pipes may be of black iron or any other material complying with the prescribed

standards as determined by the Service Provider.

61. Distance between Consumer Installation and Electric Wires

- 61.1. No portion of the consumer installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 (three hundred) mm of or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any by-laws or regulations for the supply and use of electrical energy and for the wiring of premises.
- 61.2. No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 (two) meters of an electrical socket outlet, appliance or distribution board without the prior written approval of the Service Provider.

CHAPTER VI

SPECIAL PROVISIONS RELATING TO FIRE EXTINGUISHING SERVICES

62. Special Provisions

- 62.1. Notwithstanding anything to the contrary contained in this Chapter, the provisions contained in the preceding Chapters shall mutatis mutandis apply to the supply of water for fire extinguishing services and shall be deemed to have been included in every agreement for such supply.
- 62.2. Fire extinguishing services shall be provided in compliance with the relevant by-laws.

63. Payment for Services

- 63.1. All fire hydrants or fire extinguishing installations shall be provided with a combination meter as specified by a Service Provider, at the cost of the owner of, or consumer at, the premises.
- 63.2. The consumer and the owner of premises shall be jointly and severally liable to pay the charges prescribed in the tariff in respect of any fire-extinguishing installation or appliance used or installed upon such premises, and the charges related to such installation and water supply services from such installation.

64. Communication Pipes For Fire-Extinguishing Services

- 64.1. All communication pipes, which are intended for preventive or automatic use in case of fire, shall be laid by the Service Provider as far as the boundary of the consumer's premises.

WATER SUPPLY SERVICES BY-LAW

- 64.2. Such communication pipes shall be used only for fire-extinguishing purposes.
- 64.3. No take-off of any kind from any such communication pipe shall be made nor shall any water therefrom be used other than in connection with automatic sprinklers and drenchers, hydrant connections or hose reel connections or for the pressure tank connected therewith, and such tank shall be controlled by a suitable ball tap.

65. Valves in Communication Pipes

Every communication pipe shall be fitted with a proper control valve, which shall be-

- 65.1. supplied by the Service Provider at the expense of the consumer;
- 65.2. installed between the consumer's premises and the main;
- 65.3. of the same diameter as the communication pipe; and
- 65.4. installed in such position as may be determined by the Service Provider.

66. Extension of System

No sprinklers shall be added or connected to any existing fire-extinguishing system after such system has been connected to the main without the prior written approval of the Service Provider.

67. Extension of System to Other Premises

No extension or connection from any fire-extinguishing system to other premises shall be made, and in the event of any such connection or extension being made, the Service Provider shall be entitled to enter upon such premises and take all steps necessary to remove such connection or extension at the cost of the consumer responsible for such extension or connection.

68. Inspection and Approval of Fire-Extinguishing System

No water shall be supplied to any fire-extinguishing system until it has been inspected and the Water Services Authority, in consultation with the Service Provider, where applicable, has certified in writing that such consumer installation complies with the requirements of these and other relevant by-laws and the work has been carried out to the satisfaction of the Service Provider.

69. Connection to Be At The Discretion of Service Provider

- 69.1. The Service Provider shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire-extinguishing installation to its main.
- 69.2. If in its opinion a fire-extinguishing installation which it has allowed to be connected to the main is not being kept in proper working order or is otherwise not being properly maintained, the Service Provider shall be entitled either to require the installation to be disconnected from the

main or itself to carry out the work of disconnecting it at the consumer's expense.

70. Meters in Fire-Extinguishing Communication Pipes

The Service Provider shall be entitled to install a water meter in the fire-extinguishing communication pipe and the owner and/or occupier of the premises shall be liable for the whole of the cost in so doing if it appears to the Service Provider that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

71. Provision of Pressure Gauge

A pressure gauge indicating the water pressure in kPa shall be fixed on all fire-extinguishing systems inside the premises of the consumer.

72. Installation of Reflux Valve

- 72.1. When a fire-extinguishing installation includes a fire-pump connection, a reflux valve of a type approved by the Service Provider shall be fitted on the premises in an accessible position permitting its ready inspection, repair and removal.
- 72.2. The said reflux valve shall be used to shut off the domestic supply from the main whenever or for so long as the fire-pump connection is in use.
- 72.3. The said reflux valve shall be serviced at least once annually by a registered bona fide firm approved by the Service Provider as being capable of undertaking such work.
- 72.4. When called upon to do so by the Service Provider, the consumer shall produce a certificate from an approved firm that the service has been done as referred to in 72.3.

73. Sprinkler Extinguishing Installation

A sprinkler installation may be installed in direct communication with the main, but neither the Service Provider nor the Water Services Authority shall be deemed to guarantee any specified pressure of water at any time, and neither the Service Provider nor the Water Services Authority shall be liable for any damage or harm caused by insufficient pressure of water.

74. Header Tank or Double Supply from Mains

- 74.1. Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the main.

- 74.2. The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to that of the tank should the pressure in the main not be available for any reason.
- 74.3. An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable, and shall not be led away by any down pipe to any drain.
- 74.4. Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.
- 74.5. The consumer installations installed in terms of clause 74.1 and 74.2 shall be serviced annually as prescribed in clause 74.3.
- 74.6. The header tank shall be drained and refilled at least once per annum and the Service Provider shall be advised at least 48 (forty eight) hours before the tank is due to be drained to enable an inspection to be arranged and made if necessary at the sole discretion of the Service Provider.

75. Annual Charges for Sprinkler and Drencher Installation

- 75.1. The amounts prescribed in the tariff for the inspection and maintenance of the communication pipes leading from the main to the boundary of a premises, shall be payable in advance and shall become due in respect of every such pipe as soon as a Service Provider has notified the owner of the land that the pipe has been laid and is ready for connection to a fire-extinguishing installation on the land.
- 75.2. The charges in terms of clause 75 (1) shall cover also the emptying and refilling of any tanks, which may be necessary.
- 75.3. The charges to be paid in terms of clause 75 (1) shall be calculated according to the volume of the tank, regard being had to the level to which the tank is filled.

76. Annual Charges for Private Hydrant Installations

The charges in terms of the tariff for the maintenance of connections and the inspection of private hydrant installations, other than sprinklers, shall be paid in advance.

77. Sealing Of Private Fire Hydrants

- 77.1. All private hydrants shall be sealed by a Service Provider and such seals shall not be broken by any person other than authorized personnel in the course of testing, except for the purpose of opening the hydrant in case of fire.

- 77.2. The cost of resealing such hydrants shall be borne by the consumer except when such seals are broken by authorized personnel for testing purposes.
- 77.3. Any water consumed after the breaking of the seal, other than in the course of testing by authorized personnel or in case of fire, shall be paid for by the consumer at the rates prescribed in the tariff for domestic purposes. The quantity thus consumed shall be determined by the Service Provider.

CHAPTER VII

SPECIFICATIONS AND PENALTIES

78. Diameter of Pipes

- 78.1. All diameters of pipes referred to in this chapter relate to internal dimensions.
- 78.2. No consumer installation pipe shall be less than 12 (twelve) mm in diameter.

79. Material of Consumer Installation Pipes

- 79.1. All consumer installation pipes shall be to the relevant SABS specification: Provided that-
- 79.1.1. piping of other suitable material may be used subject to the prior written permission of the Service Provider first had and obtained;
- 79.1.2. piping of not less than 75 (seventy five) mm diameter may be of iron or steel coated internally and externally with a suitable coating approved by the Service Provider.

80. Pipes And Fittings to Withstand 2 000 kPa Pressure

WATER SUPPLY SERVICES BY-LAW

All communication pipes, consumer installation pipes and fittings shall be capable of withstanding an internal pressure of 2 000 kPa.

81. Taps, Ball Valves and Flushing Valves

- 81.1. Unless otherwise specified, the component parts of flushing valves shall be of brass or gunmetal, or if hot pressings, of brass or manganese bronze, or in either case of an equally suitable corrosion-resisting alloy or other approved material as determined by the Service Provider.
- 81.2. All flushing valves shall be of a waste-preventing type, shall have a flushing capacity as provided in the Municipality's Drainage and Sanitation Services by-Laws and, shall be connected to the flush pipe.
- 81.3. Parts of flushing valves intended for screwing, shall have standard metric right hand threads and parts of all fittings of the same size and intended for the same purpose shall be interchangeable.
- 81.4. All flushing valves shall be tested to withstand a pressure of 2 000 kPa without leaking or sweating.
- 81.5. The name or registered trade-mark of the makers shall be stamped on all flushing valves.
- 81.6. Self-closing taps which are of a non-concussive type approved by a Service Provider and which will not cause damage to the meter and fittings and which have been tested, approved and stamped may be installed.
- 81.7. The external form of bath or wash hand basin taps shall be optional to suit any particular style of bath or wash hand basin.
- 81.8. The fees prescribed in the tariff shall be payable for the testing and stamping of all taps, ball valves, flushing valves and other fittings.

82. Offences and Penalties

- 82.1. Any person contravening or failing to comply with any provision of clause 4 (See also clauses 17, 20 and 80) of these By-laws shall be guilty of an offence and liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding 2 (two) years.
- 82.2. Any person who contravenes or fails to comply with any other provision of these by-laws or who remain to be in default in complying therewith shall be guilty of an offence and shall be liable, on first conviction, to a fine, or in default of payment to imprisonment for a period not exceeding 6 months, and on any subsequent conviction to a fine, or in default of payment, to imprisonment for a period not exceeding 12 (twelve) months.
- 82.3. Any person who fails to comply in any respect with any notice served on him by a Service Provider in terms of these by-laws directing him to do or not to do anything, shall be guilty of an offence and be liable on first conviction to a fine and shall in addition be guilty of a further offence for

every day or part of a day during which non-compliance continues and shall be liable in respect of each offence as aforesaid to a fine or in default of payment, to imprisonment for a period not exceeding 7 (seven) days for each day of contravention.

82.4. The fines referred to above, , shall be as annually determined by the Municipal Council and approved by the Chief Magistrate for the magisterial district and shall lie open for inspection at the Office of the Director Technical Services and the Service Provider.

82.5. No provision in these by-Laws should be construed as prohibiting any person from being charged with any common law offence in addition to the penalties as provided herein.

83. Interpretation

In the event of any contradiction or inconsistency between these by-Laws and the Credit Control and Debt Collection By-Laws, the last-mentioned shall take preference.

84. The Water Supply Services Bylaws as promulgated in the Extraordinary Provincial Gazette No1010 dated 31 October 2003, under Notice 289 of 2003 is herewith repealed.

85. Commencement

The Water Supply Services By-Laws are herewith promulgated and shall take effect on date of publication

UMJINDI LOCAL MUNICIPALITY

The Umjindi Municipality hereby, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996, publishes the Property Rates By-Laws as set out hereunder :

MUNICIPAL PROPERTY RATES BY-LAW

TABLE OF CONTENTS

1.	DEFINITIONS
2.	PRINCIPLES
3.	APPLICATION OF BY-LAW.....
4.	PRINCIPLES APPLICABLE TO FINANCING OF SERVICES.....
5.	CATEGORIES OF PROPERTY.....
6.	CATEGORIES OF OWNERS.....
7.	PROPERTIES USED FOR MULTIPLE PURPOSES.....
8.	DIFFERENTIAL RATING.....
9.	EXEMPTIONS.....
10.	REDUCTIONS.....
11.	REBATES.....
12.	PAYMENT OF RATES.....
13.	ACCOUNTS TO BE FURNISHED.....
14.	SPECIAL RATING AREAS.....
15.	FREQUENCY OF VALUATION.....

16. **COMMUNITY PARTICIPATION**.....
17. **REGISTER OF PROPERTIES**.....
18. **REGULAR REVIEW PROCESSES**.....
19. **SHORT TITLE**.....
20. **COMMENCEMENT**.....

The Municipal Manager of Umjindi Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for Umjindi Municipality, as approved by its Council as set out hereunder.

PURPOSE OF BY-LAW

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

1.1 **“Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 004);

1.2 **“Municipality”** means the Umjindi Local Municipality;

1.3 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

1.4 **“Residential property”** means improved property that:

- (a) is used predominantly for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such

grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.

- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes. And specifically exclude vacant land irrespective of its zoning or intended use.

1.5 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

2. Principles

- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.
- 2.3 Some categories of property and categories of owners will be granted relief from rates.
- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There will be no phasing in of rates based on the new valuation roll.
- 2.6 The municipality's rates policy will be based on the following principles:
 - (a) Equity
The municipality will treat all ratepayers with similar properties the same.
 - (b) Affordability
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the

municipality will provide relief measures through exemptions, reductions or rebates.

(c) Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- ii. Supports local social economic development.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebates and reductions as approved by the municipality from time to time.

3. Application of By-law

- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-

(a) Trading services

- i. Water

ii. Electricity

(b) Economic services

i. Refuse removal.

ii. Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b).

- 4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

- 5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- 5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- 5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the following criteria or a combination thereof:-
- The formal zoning of the property;
 - Township establishment approvals;
 - The use of the property;
 - Permitted use of the property; and
 - The geographical area in which the property is situated.
- 5.4 In order to create certainty and to ensure consistency the criteria mentioned in 5.3 shall be applied as indicated below in order of priority and no deviation is permissible:

- 5.4.1 Properties shall first of all be categorised in accordance with their formal zoning. Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning.
- 5.4.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 5.4.1 the actual use shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.
- 5.4.3 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provisions of 5.4.1 cannot be applied. However, the geographical area as a criterion should not be used in isolation.
- 5.5 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7.

6. Categories of owners

- 6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
 - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
 - (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
 - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget; and
 - (e) Owners of agricultural properties.

7. Properties used for multiple purposes

7.1 Rates on properties used for multiple purposes will be levied as follows:

- (a) In accordance with the "permitted use of the property".
- (b) In accordance with the "dominant use of the property" if (a) cannot be applied;
or
- (c) In accordance with the "different uses" by apportioning the market value of a category of property to the different purposes for which the property is used if both (a) and (b) above cannot be applied.

8. Differential rating

8.1 Criteria for differential rating on different categories of properties will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and

8.3 By way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions

9.1 Categories of property as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.

9.2 Conditions determined by the rates policy will be applied accordingly.

9.3 Exemptions will automatically apply where no applications are required.

10. Reductions

10.1 Reductions as contemplated in section 15 of the Act will be considered on an ad-hoc basis in the event of the following:

10.1.1 Partial or total destruction of a property.

10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:-

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

10.2.3 A maximum reduction determined by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.

10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1. Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2 Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

11.3 Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.

11.4 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

- 11.5 Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- 11.6 The extent of the rebate in terms of 11.1, 11.2 and 11.5 shall annually be determined by the municipality and it shall be included in the annual budget.

12. Payment of rates

12.1 Council may levy assessment rates: -

- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.

12.2 Assessment rates is payable:-

- (a) Annually in a once of amount determined by the municipality; or
- (b) in instalments payable on or before a date in each period as determined by the municipality.

12.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.

12.4 If a property owner, who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the Municipality.

12.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:

12.5.1 If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:

12.5.2 From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;

- 12.5.3 From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 12.5.2 but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.
- 12.5.4 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.
- 12.5.5 The notice referred to in 12.5.4 shall give the party concerned at least 14 calendar days to pay the outstanding rates.
- 12.6 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 12.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

- 13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (i) the amount due for rates payable,
 - (ii) the date on or before which the amount is payable,
 - (iii) how the amount was calculated,
 - (iv) the market value of the property, and
 - (v) rebates, exemptions or reductions, if applicable.

13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

14. Special rating areas

14.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.

14.2 The following matters shall be attended to in consultation with the committee referred to in clause 14.3 whenever special rating is being considered:

14.2.1 Proposed boundaries of the special rating area;

14.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;

14.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;

14.2.4 Proposed financing of the improvements or projects;

14.2.5 Priority of projects if more than one;

14.2.6 Social economic factors of the relevant community;

14.2.7 Different categories of property;

14.2.8 The amount of the proposed special rating;

14.2.9 Details regarding the implementation of the special rating;

14.2.10 The additional income that will be generated by means of this special rating.

- 14.3 A committee consisting of 6 members of the community of who 3 shall be women will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.
- 14.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 14.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 14.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 14.7 The municipality shall establish separate accounting and other record-keeping systems, compliant with GAMAP/GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

15. Frequency of valuation

- 15.1 The municipality shall prepare a new valuation roll every 4 (four) years, with the option to extend the validity of the valuation roll to 5 (five) years with the approval of the MEC for Local Government and Housing in the province.
- 15.2 Supplementary valuations will be done on a continual basis to ensure that the valuation roll is properly maintained.

16. Community participation

- 16.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

CONTINUES ON PAGE 258 - PART 3



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

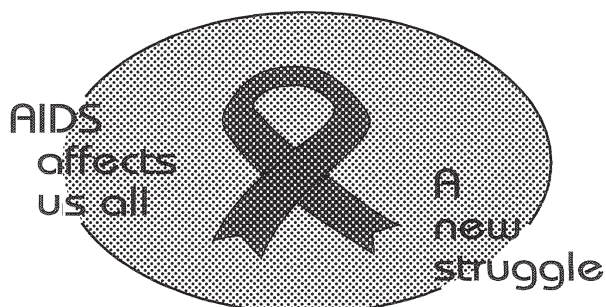
Vol. 24

NELSPRUIT
28 JULY 2017
28 JULIE 2017

No. 2835

PART 3 OF 3

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- 16.1.1 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)
- 16.1.2 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determined annually by the municipality. Property owners and interest persons may submit written comments or representations to the municipality within the specified period in the notice.
- 16.1.3 Council will consider all comments and/or representations received when considering the finalisation of the rates by-law.

17. Register of properties

- 17.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 17.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 17.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
 - i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
 - ii. Rebate or reduction in terms of section 15, and
 - iii. Exclusions as referred to in section 17.
- 17.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 17.5 The municipality will update Part A of the register every 6 months during the supplementary valuation process.
- 17.6 Part B of the register will be updated on a continuous basis.

18 Regular review processes

- 18.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

19. Short title

- 19.1 This by-law is the rates by-law of Umjindi Local Municipality.

20. Commencement

- 20.1 This by-law comes into force and effect on **1 July 2009**

PROCLAMATION • PROKLAMASIE

PROCLAMATION 18 OF 2017

Referral is made to Notice 650 of 2002 as it appeared in the Mpumalanga Provincial Gazette on 26 April 2002. Due to a successful land claim as per Portion 9 of the farm Leliefontein No 493-IT, district Piet Retief the so-called land cannot be accommodated in the development intension area. As a General Plan could not be approved for Rustplaas Township, such a General Plan needed to be withdrawn. The township area Rustplaas Extension 2 Township now replaces the development area as per the General Plan SG No 529/2016 now approved. The arrangement allows for a new notice to be placed and as follows:

DESIGNATION OF LAND FOR LESS FORMAL SETTLEMENT ON PORTION 8, 9 AND 12 OF THE FARM RUSTPLAAS NO 494-IT, NOW TO EXCLUDE PORTION 9 OF THE FARM LELIEFONTEIN NO 493-IT, DISTRICT PIET RETIEF

I, Refilwe Mtsweni, in my capacity as Member of the Executive Council of Mpumalanga and duly authorized thereto by virtue of Section 3 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991)-

1. hereby designate the land described in Table No 1, which has by virtue of Section 2 of the said Act been made available by the Department of Co-operative Governance and Traditional Affairs, as land for less formal settlement. This is on condition that the township register not be opened before the final layout plan and the conditions of establishment for the township to be established, has been approved by me, although already approved for the proposed Rustplaas Extension 2 Township,
2. declare herewith that the stipulations of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991), are applicable to the designated land described in the notice:

TABLE NO. 1

LAND DESIGNATED	
Land description	Portions 8, 9 and 12 of the farm Rustplaas No 494-IT and now to exclude Portion 9 of the farm Leliefontein No 493-IT
Extent	182,4717hectares

Given under my Hand at Nelspruit on this 17th day of July Two Thousand and Seventeen.

Mrs Refilwe Mtsweni
MEC: Co-operative Governance and Traditional Affairs

This notice replaces Notice 650 of 2002 as placed in the Mpumalanga Provincial Gazette on 26 April 2002.

PROCLAMATION 19 OF 2017**NELSPRUIT AMENDMENT SCHEME 2029**

It is hereby notified in terms of Section 50 of the Mbombela By-law on Spatial Planning and Land Use Management, 2015, that the City of Mbombela has approved an amendment of the Nelspruit Town Planning Scheme, 1989, by the rezoning of The Remainder of Erf 1498 Nelspruit Extension 2, from "Residential 1" to "Special" for a guest house limited to 6 rooms with a manager's flat subject to restricted development controls.

Copies of the amendment scheme are filed with the Municipal Manager, Civic Centre, Nel Street, Mbombela, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on date of publication hereof.

P D MNISI
ACTING MUNICIPAL MANAGER

City of Mbombela
P O Box 45
NELSPRUIT
1200

PROCLAMATION 20 OF 2017

Referral is made to Notice 650 of 2002 as it appeared in the Mpumalanga Provincial Gazette on 26 April 2002. Due to a successful land claim as per Portion 9 of the farm Leliefontein No 493-IT, district Piet Retief the so-called land cannot be accommodated in the development intension area. As a General Plan could not be approved for Rustplaas Township, such a General Plan needed to be withdrawn. The township area Rustplaas Extension 2 Township now replaces the development area as per the General Plan SG No 529/2016 now approved. The arrangement allows for a new notice to be placed and as follows:

DESIGNATION OF LAND FOR LESS FORMAL SETTLEMENT ON PORTION 8, 9 AND 12 OF THE FARM RUSTPLAAS NO 494-IT, NOW TO EXCLUDE PORTION 9 OF THE FARM LELIEFONTEIN NO 493-IT, DISTRICT PIET RETIEF

I, Refilwe Mtsweni, in my capacity as Member of the Executive Council of Mpumalanga and duly authorized thereto by virtue of Section 3 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991)-

1. hereby designate the land described in Table No 1, which has by virtue of Section 2 of the said Act been made available by the Department of Co-operative Governance and Traditional Affairs, as land for less formal settlement. This is on condition that the township register not be opened before the final layout plan and the conditions of establishment for the township to be established, has been approved by me, although already approved for the proposed Rustplaas Extension 2 Township,
2. declare herewith that the stipulations of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991), are applicable to the designated land described in the notice:

TABLE NO. 1

LAND DESIGNATED	
Land description	Portions 8, 9 and 12 of the farm Rustplaas No 494-IT and now to exclude Portion 9 of the farm Leliefontein No 493-IT
Extent	182,4717hectares

Given under my Hand at Nelspruit on this 28th day of July Two Thousand and Seventeen.

Mrs Refilwe Mtsweni
MEC: Co-operative Governance and Traditional Affairs

This notice replaces Notice 650 of 2002 as placed in the Mpumalanga Provincial Gazette on 26 April 2002.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 84 OF 2017****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that BETSA CC, Registration Number 1995/048123/23 trading as Mhluzi Tattersalls intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Shop 10, Mhluzi Mall, Tswelopele Street, Mhluzi Township, Middelburg, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Andre Grundlingh. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 85 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Nkoboni Construction and Projects CC, Registration Number 2005/175531/23 trading as Gugu Centre Bar intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 2268/23, Kanyamazane, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Sibusiso Beisel Maseko. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 86 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that BETSA CC, Registration Number 1995/048123/23 trading as Elukwatini Tattersalls intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Erf 106, Shop 7, Elukwatini Shopping Centre, Elukwatini, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Andre Grundlingh. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 87 OF 2017**MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Henry Charles Benecke, Identity Number 5706225099081 trading as Sabie Sports Bar intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: 102, Main Street, Sabie, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Henry Charles Benecke. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 88 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Jose Isidro Silva Da Corte, Identity Number 7105155159080 trading as Pholani Sports Bar intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 012221 Pienaar, Msogwaba Trust, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Jose Isidro Silva Da Corte. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 89 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Gert Mkhonto, Identity Number 5310106120080 trading as Mamanyiko Restaurant intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 514A, Thulamahashe, Bushbuckridge, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Gert Mkhonto. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 90 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that 264 Zone Palace (Pty) Ltd, Registration Number 2016/327516/07 trading as 264 Zone Palace intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 264, Woodpecker Street, Entokozweni, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Elvis Mhlupheki Makhubela. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 91 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Phumelela Gaming and Leisure Limited, Registration Number 1997/016610/06 trading as Malelane Tab intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Shop 2, Erf 3, 56 Impala Street, Malelane, Nkomazi, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Phumelela Gaming and Leisure Limited. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 92 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Phumelela Gaming and Leisure Limited, Registration Number 1997/016610/06 trading as Naas Tab intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Shop 1, Jimmy's Building, Stand 3, Kamaqhekeza, Naas, Nkomazi, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Phumelela Gaming and Leisure Limited. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 93 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Frans Abraham Jurgens Breytenbach, Identity Number 6401215023080 trading as Phat Boys (Ermelo) intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Shop 2, Pick & Pay Centre, Erf 1896, Cnr Camden Avenue & Amersfoort Road, Ermelo, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Frans Abraham Jurgens Breytenbach. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 94 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Zacharia Njinju Kampu, Identity Number 7612175755185 trading as Jambo Lounge intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Unit 1, 7 William Lynn Street, White River, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Zacharia Njinju Kampu. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 95 OF 2017**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that Kinjoveh Business Enterprise (Pty) Ltd, Registration Number 2017/112245/07 trading as Joeys Bet intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 6522, Chris Hani Street, Kanyamazane, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Joseph Githinji Kamau. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 96 OF 2017**MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A SITE OPERATOR LICENSE**

Notice is hereby given that 264 Zone Palace (Pty) Ltd, Registration Number 2016/327516/07 trading as 264 Zone Palace intends submitting an application for a site operator license to the Mpumalanga Gambling Board on 31 July 2017. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017. 1. The purpose of the application is to obtain a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Stand 264, Woodpecker Street, Entokozweni, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Elvis Mhlupheki Makhubela. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 31 July 2017 to 30 August 2017. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 80 OF 2017

RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 OF 2004)

Date 31 MAY 2017

MUNICIPAL NOTICE

NO: BUSHBUCK RIDGE LOCAL MUNICIPALITY



RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2017 TO JUNE 2018

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the council resolved by way of council resolution number.....to levy the rates on property reflected in the schedule below with effect from 1 July 2017.

Category of Property	Cent amount in the Rand rate determined for the relevant property category
Residential Properties**	0.013
Industrial Properties**	0.037
Business & Commercial Properties**	0.037
Farm Properties: use for Agricultural	0.003
Farm Properties use for Business/Commercial Purposes **	0.003
Farm Properties use for Residential Purpose.	0.013
Rebates on Farm Properties use for Residential Purpose	40%
Farm Properties use for Education (Private Schools)**	0.037
Rebates on Farm Properties used for Education (Private School)	40%
Farm Properties owned by Government**	0.003
Farm Properties not used for Any Purpose**	0.003
Farm Properties used for Other Purposes not mentioned above**	0.003

Government Properties: Residential**	0.013
Government Properties: schools**	0.037
Government Properties: Business& Other**	0.037
Municipal Properties**	-
Public Service Infrastructure**	0.003
Communal Land**	-
Protected Areas **	-
Protected Areas Residential	0.013
Protected Area Business	0.037
State Trust Land **	-
Properties used for Multiple Purposes**	-
Properties Owned by Public Benefit Organization& used for any specific Public Benefit Purposes	0.003
Properties used for Mining**	-
Properties use for Public Worstip properly registerebinttename ofanbuse bprimarilyasaplace ofworstipby areligious community, includingtte official residence	-
Vacant Residential Stands**	0.024
Vacant Business/Commercial Stands**	0.024
Vacant Industrial Stands**	0.024
Vacant Government stands**	0.024
Rebates, Reductions, Exclusions	
Residential **	45,000.00
Public Service Infrastructure**	30%
Public Benefit Organizations**	15,000.00
Handling of lodged objections*	343
Phasing-in rebate	0%
Private schools health care facilities	0.10

Full details of the council resolution and rebates ,reduction and exclusion specific for each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices ,website (www.bustbuckribge.gov.za)and all the public libraries.

NAME: C.LISA

DESIGNATION:MUNICIPAL MANAGER

BUSINESSADDRESS AND TELEPHONIC DETAILS OF THE MUNICIPALITY PRIVATE

BAG X9308

BUSHBUCKRGE

1280

013 799 1851

			`2017/18	
			VAT excl	VAT incl
24,42	Deed search and copy of the tittle deeds		R 161	R 173
24.43	Public Notice: (a) Public Notice and advertismet in the legal section of the paper		R 1 576,04	R 1 689
24.44	(b) Public orks and advertisement in the body of the paper.		R 2 837,41	R 3 040
24.45	Way leave application (application to determine where the council's services are located or a specific area where new services are to be installed)		R 9,58	R 2 660
24.46	Any other application not provided for elsewhere in this schedule of fees		R 3 443,87	R 3 690
	COPIES (TOWN PLANNING)		`2016/17	
			VAT excl	VAT incl
24.47	Spatial development framework: (a) Hard Copy per region		R 172	R 184
24,48	(b) In electronic format		R 81	R 87
24.49	Copy of Land Use Scheme or Town Planning Scheme(Scheme Book)		R 396	R 424
24,5	Scheme Regulations set		R 660	R 707,02
24,51	Search Fees erf		R 27	R 28,61
24,52	Diagrammes		R 27	R 28,61
	BUSINESS LICENCING		`2016/17	
			VAT excl	VAT incl
24.53	New application-Business Licensing- (a) Wholesalers		R 1 484	R 1 590
24.53.1	(b) Supermarket		R 989	R 1 060
24.53.2	(c) General Dealer		R 989	R 1 060
24.53.3	(d) Hardware		R 1 187	R 1 272
24.53.4	(e) Café /restaurant		R 782	R 837
24.53.5	(f) Cuck-shop/spaza shop		R 782	R 837
24.53.6	(g) Motor Spares/workshop related		R 989	R 1 060
24.53.7	(h) Butchery		R 782	R 837
24.53.8	(i) Street hawkers/Market Stall		R 247	R 265,00
24.53.9	(j) Accommodation & Lodging		R 989	R 1 060,00
24.53.10	Endosement of existing licence (a) Amendments		R 940	R 1 007,00
24.53.11	(b) Compliance		R 1 484	R 1 590,00
24.53.12	(c) Extension		R 940	R 1 007,00
24.53.13	Driving School		R 930	R 1 060
24.53.14	Mortuary		R 930	R 1 060
24.53.15	Brickyard		R 930	R 1 060
24.53.16	Hair Salon		R 734	R 837
24.53.17	Poultry Farm		R 930	R 1 060
24.53.18	Brick Yard		R 930	R 1 060
24.53.19	Phone Booth		R 930	R 1 060
24.53.20	Fresh Produce Farm		R 930	R 1 060
24.53.21	Car Wash		R 734	R 837
24.53.22	Cultural Village		R 1 116	R 1 272
24.53.23	Cash and Carry		R 930	R 1 060
24.53.24	Petrol Station		R 2 325	R 2 650
24.53.25	Electronics (Hawker)		R 734	R 837
24.53.26	Furniture Shop		R 1 116	R 1 272
24.53.27	Fruit and Vegetables Shop/Market		R 734	R 837
24.53.28	Tyre Sales and Repairs Stall		R 383	R 437
24.53.29	Welding Works Workshop		R 734	R 837
24.53.30	Motor Repairs Workshop		R 930	R 1 060
24.53.31	Distribution Depot		R 2 325	R 2 650
24.53.32	Gymnasium/Dojo		R 930	R 1 060
24.53.33	Office Park/Campus		R 2 325	R 2 650
24.53.34	Entertainment Centre		R 2 325	R 2 650
24,54	Transfer of business ownership		R 2 473	R 2 650
24,55	Issue of duplicate Trading licence		R 2 473	R 2 650

24,56	Penalty for non - compliance		R 1 484	R 1 590
24,57	Annual renewal of trading licence *		R -	R -
24.57.1	a) Wholesalers		R 989	R 1 060
24.57.2	(b) Supermarket		R 643	R 689
24.57.3	(c) General Dealer		R 643	R 689
24.57.4	(d) Hardware		R 544	R 583
24.57.5	(e) Café /restaurant		R 346	R 371
24.57.6	(f) Tuck-shop/spaza shop		R 297	R 318
24.57.7	(g) Motor Spares/workshop related		R 445	R 477
24.57.8	(h) Butchery		R 247	R 265
24.57.9	(i) Street hawkers/Market Stall		R 148	R 159
24.57.10	(j) Accommodation & Lodging		R 693	R 700
24.57.11	Driving School		R 604	R 689
24.57.12	Mortuary		R 604	R 689
24.57.13	Brickyard		R 604	R 689
24.57.14	Hair Salon		R 325	R 371
24.57.15	Poultry Farm		R 604	R 689
24.57.16	Brick Yard		R 604	R 689
24.57.17	Phone Booth		R 604	R 689
24.57.18	Fresh Produce Farm		R 604	R 689
24.57.19	Car Wash		R 325	R 371
24.57.20	Cultural Village		R 511	R 583
24.57.21	Cash and Carry		R 604	R 689
24.57.22	Petrol Station		R 930	R 1 060
24.57.23	Electronics (Hawker)		R 279	R 318
24.57.24	Furniture Shop		R 511	R 583
24.57.25	Fruit and Vegetables Shop/Market		R 232	R 265
24.57.26	Tyre Sales and Repairs Stall		R 139	R 159
24.57.27	Welding Works Workshop		R 325	R 371
24.57.28	Motor Repairs Workshop		R 604	R 689
24.57.29	Distribution Depot		R 930	R 1 060
24.57.30	Gymnasium/Dojo		R 604	R 689
24.57.31	Office Park/Campus		R 930	R 1 060
24.57.32	Entertainment Centre		R 930	R 1 060
FLAT RATE BILLING (Clause 5.4 of rates policy)			VAT excl.	VAT incl.
24.58	Businiss - Large enterprises		R 620	R 707
24.59	Businiss - Medium enterprises		R 620	R 707
24,6	Business - Small enterprises		R 248	R 283
24.60	Office complex		R 620	R 707
24.61	Shopping complex		R 620	R 707
25,6	Industriul complex		R 620	R 707
24.62	Flats		R 620	R 707
24.63	Hostels / Boarding complex		R 620	R 707

24,11	Extension of Boundries		R 12 391	R 14 126
24,12	Amendment of township establishment application: (a) If already approved by the Municipality		R 12 391	R 14 126
24,12	(b) If not already approved by the Municipality		R 3 759	R 4 286
24,13	Division of township		R 1 751	R 1 997
24,14	Phasing/cancellation of approved layout plan		R 1 576	R 1 797
24,15	Rezoning : (a) One erf		R 5 038	R 5 743
24,15	(b) Every Erf Additional to the first erf		R 547	R 624
24,16	Removal, amendment, suspension of a restrictive or obsolete condition, servitude or reservation against the title deeds		R 613	R 699
24,17	Amendment or cancellation of a general plan of township		R 747	R 852
24,18	Division of Farm Land		R 3 759	R 4 286
24,19	Subdivision of Farm Land (a) for first time		R 515	R 588
24,19	(b) For every additional to the first five erven		R 68	R 78
24,2	Consolidation of land		R 515	R 588
24,21	Subdivision and consolidation of land		R 515	R 588
24,22	Permanent closure of a public place per closure		R 525	R 599
24,23	Development and communal land		R 5 038	R 5 743
24,24	Material amendments to original application prior approval/ refusal		50% of original application	
	LAND USE APPLICATIONS (TOWN PLANNING)		`2016/17	
			VAT excl	VAT incl
24,25	Subdivision of land provided for in land use scheme or town planning		R 515	R 588
24,26	Consolidation of land		R 515	R 588
24,27	Subdivision and consolidation of land		R 515	R 588
24,28	Consent Use		R 1 276	R 1 455
24,29	For suspension of a restrictive title condition relating to the density of residential development		R 613	R 699
24,3	Temporary use : Other rights		R 1 276	R 1 455
24,31	Material amendments to original application prior approval/ refusal		50% of original application fee	
	MISCELLANEOUS FEES (TOWN PLANNING)		`2016/17	
			VAT excl	VAT incl
24,32	Erection of a second dwelling		R 1 172	R 1 336
24,33	Relaxation of height restriction		R 1 198	R 1 366
24,34	Relaxation of building line		R 1 179	R 1 344
24,35	Consideration of site development plan		R 1 179	R 1 344
24,36	Extension of validity period of approval		R 1 172	R 1 336
24,37	Certificate : (a) Zoning Certificate		R 142	R 162
24,38	(b) Any other certificate		R 142	R 162
24,39	Public Hearing and inspection		R 3 444	R 3 926
24,4	Reason for decision of municipal planning tribunal, land development officer or appeal authority		R 1 750	R 1 995
24,41	Re-issuing of any notice of approval		R 254	R 290

			`2017/18	
			VAT excl	VAT incl
22,16	Information fee per page		R 20	R 23
22,17	Proof of residence – Individuals		R 10	R 11
22,18	Proof of residence –Groups/Business'/Societies		R 40	R 45
22,19	Issuing of SMS Reminder		R 17	R 19
22,2	Issuing of Final written Notice - residential		R 34	R 39
22,21	Issuing of Notice for Restriction - residential		R 34	R 39
22,22	Issuing of final written Notice - Bus/Gov/other		R 86	R 98
22,23	Issuing notice of disconnectio - Bus/Gov/Other		R 87	R 99
23	FIRE FIREGTERS (COMMUNITY SERVICE)		`2017/18	
			VAT excl	VAT incl
23,1	Turnout Fees		R 187	R 213
23,2	First Machine		R 93	R 106
23,3	Additional Machines		R 47	R 53
23,4	Additional vehicles		R 47	R 53
23,5	KM used		Standard rate per KM	
23,6	Officer (cfo,director,disaster)		R 28	R 32
23,7	Fire Fighter		R 19	R 21
23,8	Dry Powder Extinguisher		R 280	R 319
23,9	Foam material (class A)		R 1 463	R 1 668
23,1	Foam material (class B)		R 1 729	R 1 971
23,11	Material (Bio I & 2)		R 1 522	R 1 735
23,12	Chemicals materials (Absorbent)		R 1 634	R 1 862
23,13	Use of Fire hose		R 19	R 21
23,14	Rescue(water, building)		R 28	R 32
23,15	Vehicle extrication		R 37	R 43
23,16	Structural fire(house residential)		R 37	R 43
23,17	Vehicle fires		R 37	R 43
23,18	Business fire		R 47	R 53
23,19	Spillage/Hazmat		R 56	R 64
23,2	Building inspection(occupancy)		R 65	R 74
23,21	Fireworks (cricket)		R 289	R 330
23,22	Flammable liquid/gases/dangerous goods inspection		R 289	R 330
TRANSPORT (COMMUNITY SERVICE)			VAT excl	VAT incl
23,23	Impoundmend Fee		R 747	R 851
24	TOWN PLANNING (BUSINESS LICENCING)		`2017/18	
			VAT excl	VAT incl
24,1	Consent/ land Use Application		R 733	R 836
24,2	Site Development Plan Application		R 733	R 836
24,3	Rezoning Application		R 5 038	R 5 743
24,4	Township Establishment		R 12 391	R 14 126
24,5	Subdivision		R 2 246	R 2 560
24,6	Consolidation of stands/ Consent use		R 733	R 836
24,7	Relaxation of Building Line		R 733	R 836
24,8	Billboard Application		R 3 269	R 3 727
24,9	Signboard Application		R 654	R 745
SPATIAL PLANNING AND LAND USE BY -LAW (BUSINESS LICENCING)			`2016/17	

			`2017/18	
			VAT excl	VAT incl
19,1	- Town Maps (1xA4) black and white		R 19	R 22
19,11	- Town Maps CD		R 515	R 587
19,12	- Town Maps DVD		R 858	R 978
19,13	- Contour Information /stand (A4 = 1:2000) /A1 copy		R 109	R 124
19,14	- Topocadastral Information per A4 (1:2000 / 1:10,000)		R 109	R 124
19,15	- Topocadastral Information per A4		R 109	R 124
20	CEMETERY		VAT excl	VAT incl
20,1	Residential adult cemetery		R 109	R 124
20,2	Residential child cemetery		R 44	R 50
20,3	Non resident adult cemetery		R 991	R 1 129
20,4	Non resident child cemetery		R 396	R 452
20,5	Tunnel		R 3 963	R 4 517
20,6	LEVY FOR VACANT STAND			
20.6.1	Residential		R 129	R 147
20.6.2	Business		R 322	R 367
21	PENALTIES		`2016/17	
			VAT excl	VAT incl
21,1	Illegal Sand Mining		R 17 154	R 19 555
21,2	Illegal dumping – Individuals		R 2 076	R 2 366
21,3	Illegal dumping – Businesses		R 18 869	R 21 511
21,4	Illegal connection –Residential		R 9 435	R 10 755
21,5	Illegal connection – Business & Government		R 18 869	R 21 511
21,6	Schools		R 13 255	R 15 111
21,7	Estimate-unread meters (Locked Gates, Dogs, Etc) Res.		30kl	30kl
21,8	Estimate-unread meters (Locked Gates, Dogs, Etc) Bus.		50kl	50kl
21	PENALTIES		VAT excl	VAT incl
21,8	Tempering with Water Meters - Residential		R 995	R 1 134
21,9	Tempering with Water Meters - Businesses		R 5 427	R 6 187
21,1	Construction of House without Plan approval		R 1 990	R 2 269
21,11	Construction of Bus. without Plan Approval		R 18 091	R 20 623
21,12	Construction of Bus. Complex without plan approval		R 36 181	R 41 247
22	FEES FOR OTHER SERVICES		VAT excl	VAT incl
22,1	- Hymast Site Rental *		R 1 726	R 1 968
22,2	- Hymast Construction / Application		R 1 090	R 1 242
22,3	Informal Trading Containers per month		R 214	R 244
22,4	Storage for impounded containers per day		R 214	R 244
22,5	Fuel pumps, tanks, etc per application		R 1 090	R 1 242
22,6	Re issuing of approval letter per applicant		R 131	R 149
22,7	Provision of any certificate		R 131	R 149
22,8	Impound fee- / goat/sheep per day		R 55	R 62
22,9	Tender documents		199-1141	227-1301
22,1	Copy of by-laws per chapter		R 99	R 113
22,11	Copy of by-laws per book/file		R 495	R 565
22,12	Policies per book/file		R 198	R 226
22,13	Escort – Weddings, Sports (Motor racing, marathon)		R 991	R 1 129
22,14	Administration fee (stop order) *			
22,15	Photostat copy fee / Page		R 1	R 1

			2016/17	
			VAT excl	VAT incl
15,9	- Sub-division of stand per application		R 2 246	R 2 560
15,1	- Consolidation fee		R 733	R 836
15,11	- Site Development Plan/Second Dwelling Unit Application		R 733	R 836
15,13	- Valuation Certificate		R 257	R 293
15,14	- Clearance Certificate		R 181	R 206
16	DEPOSIT (NEW INSTALLATIONS)		VAT excl	VAT incl
16,1	- Residential Account *		R 515	R 587
16,2	- Business Account (Small; Medium & NGO's) *		R 858	R 978
16,3	- Business Account (Macro / Large) *		R 6 378	R 7 270
16,4	- Business Account(Shopping/Office Complex) *		R 6 378	R 7 270
16,5	- Government (Schools) *		R 1 372	R 1 564
16,6	- Government (Departments) *		R 6 378	R 7 270
17	OUTDOOR ADVERTISING		VAT excl	VAT incl
17,1	- Electronic billboard per application		R 3 269	R 3 727
17,2	- Large billboards per application (Note 4	R 3 269	R 3 727
17,3	- Small billboards Per application	Note 4	R 654	R 745
17,4	- Small billboards per month / m2	Note 4	R 155	R 176
17,5	- Electronic billboards per Month / m2		R 1 090	R 1 242
17,6	- Large billboards per Month / m2	Note 4	R 170	R 194
17,7	- Banner or flags per application		R 218	R 248
17,8	- Once off payment per Banner or Flag		R 131	R 149
17,9	- Auction or Function or Events or sale of goods/livestock posters per application		R 218	R 248
17,1	- Estate agent's temporary directional indicator per annum		R 2 179	R 2 485
17,11	- Pamphlets – High Volume (Reg, per year)		R 2 179	R 2 485
17,12	- Election Posters application per party		R 10 897	R 12 423
17	OUTDOOR ADVERTISING		2016/17	
			VAT excl	VAT incl
17,13	- Roof signs or Developmental adverts per month		R 642	R 732
17,14	- On premises Business advertisement per month		R 642	R 732
17,15	- Tower or Bridge or Pylon adverts per month		R 642	R 732
17,16	- Adverts at Educational Institutions/month		R 642	R 732
17,17	- Tourism signs or Service Facility Adverts per		R 642	R 732
17,18	- Sign removal fee		R 654	R 745
17,19	- Election poster removal fee per poster		R 77	R 88
18	RE-STATEMENT OF BILLBOARDS/ADVERTS			
18,1	- Electronic billboard per application		R 1 715	R 1 956
18,2	- Large billboards per application	Note 4	R 858	R 978
18,3	- Small billboards Per application	Note 4	R 343	R 391
19	TOWN MAPS			
19,1	- Town Maps (1xA0) colour		R 327	R 373
19,2	- Town Maps (1xA0) black and white		R 188	R 215
19,3	- Town Maps (1xA1) colour		R 218	R 248
19,4	- Town Maps (1xA1) black and white		R 123	R 140
19,5	- Town Maps (1xA2) colour		R 160	R 183
19,6	- Town Maps (1xA2) black and white		R 85	R 97
19,7	- Town Maps (1xA3) colour		R 104	R 118
19,8	- Town Maps (1xA3) black and white		R 57	R 65
19,9	- Town Maps (1xA4) colour		R 47	R 54

			2016/17	
7	WATER CONNECTION CHARGE		VAT excl	VAT incl
7,1	- Residential per application	Note 02	R 781,52	R 891
7,1,1	- Residential per meter	Note 03	R 163,10	R 186
7,2	- Business / Institutions per application	Note 02	R 3 356,92	R 3 827
7,2,1	- Business / Institution per meter	Note 03	R 339,80	R 387
7,3	- Contractors per application	Note 02	R 3 356,92	R 3 827
7,3,1	- Contractors per meter	Note 03	R 475,71	R 542
8	WATER RECONNECTION CHARGE		VAT excl	VAT incl
8,1	- Residential		R 274,62	R 313
8,2	- Business / Institutions		R 689,53	R 786
8,3	- Contractors		R 723,63	R 825
9	SEWER CONNECTION CHARGE		VAT excl	VAT incl
9,1	- Residential per application	Note 02	R 689,53	R 786
	- Residential per meter	Note 03	R 203,87	R 232
9,2	- Business / Institutions per application	Note 02	R 1 608,90	R 1 834
	- Business / Institution per meter	Note 03	R 407,76	R 465
10	SERVICE CHARGE PER MONTH		VAT excl	VAT incl
10,1	- Residential		R 36,37	R 41
10,2	- Indigent residential		R 19,81	R 23
10,3	- Business		R 223,34	R 255
10,4	- Institutions (Clinics, School,Circuits, Etc)		R 127,97	R 146
10,5	- Village		R 19,81	R 23
11	PLAN APPROVAL		VAT excl	VAT incl
11,1	- Residential & NPO's per m ²		R 5,66	R 6
11,2	- Churches and NPO's, NGO's		R 7,71	R 9
11,3	- Business per m ²		R 8,58	R 10
11,4	- Settlement of outstanding debt - Residential		R 0,16	R 0
11,5	- Settlement of outstanding debt - Business		R 0,31	R 0,33
12	RENTALS		VAT excl	VAT incl
12,1	- Municipal House/Room (Excluding Services)*		R 506,37	R 577
12,2	- Municipal Office Space per m ² *		R 101,27	R 115
12,3	- Market Stall *		R 109,25	R 125
12,4	- Taxi Rank per m ² *		R 5,61	R 6
12,5	- Hiring of halls/day		R 779,85	R 889
12,6	- Hiring of hall security fee		R 202,54	R 231
12,7	- Hiring of chair / service		R 4,03	R 5
12,8	- Hiring of tables /service		R 17,89	R 20
12,9	- Hiring of tent		R 830-1342	R 956-1549
12,1	- Hiring of regional office chamber hall / day		R 593,17	R 676
12,11	- Hiring of water tanker (excl, funerals) / load		R 911,45	R 1 039
STADIUM			VAT excl	VAT incl
12,15	(a) Music festival			
	- Day time/day		R 4 456,02	R 5 080
	- Night time/day		R 11 140,06	R 12 700
12,16	(b) Professional soccer games			
	- Day time		R 6 684,04	R 7 620
	- Night time		R 12 254,07	R 13 970
12,17	(c) International soccer games			
	- Day time		R 26 304,74	R 29 987
	- Night time		R 35 072,98	R 39 983
12,18	(d) Local soccer practice		VAT excl	VAT incl
	- Day time		175	R 200
	- Night time		R 263	R 300
15,1	- Bond Registration		R 137	R 156
15,2	- Bond Cancellation		R 136,70	R 156
15,3	- Lost Deed of Grant / Title Deed		R 531,60	R 606
15,5	- Zoning Certificate		R 144,95	R 165
15,6	- Rezoning / Change of land used application fees.		R 2 339,16	R 2 667
15,7	- Extension of Boundaries per m ²		R 94,69	R 108

	- Site Demacation Fee - Residential	20 -2000 m ²	R 233,92	R 267
	- Site Demacation Fee - Business	000 m ² - 1h	R 623,78	R 711
	- Site Demacation Fee - Business	1ha - 2ha	R 935,67	R 1 067
	- Site Demacation Fee - Business	2ha -5ha	R 1 091,61	R 1 244
	- Site Demacation Fee - Business	5h - 8ha	R 1 247,55	R 1 422
	- Site Demacation Fee - Business	8ha - 10ha	R 1 559,44	R 1 778
	- Site Demacation Fee - Business	10ha - 15ha	R 2 339,16	R 2 667
	- Site Demacation Fee - Business	15ha - 25ha	R 3 118,88	R 3 556
	- Site Demacation Fee - Business	25ha - 50ha	R 4 678,33	R 5 333
15,8	- Consent used application fee		R 732,94	R 836

BUSHBUCKRIDGE MUNICIPALITY				
TARIFF STRUCTURE FOR FINANCIAL YEAR 2017/2018 FINAL				
NO	FACILITY OR SERVICE RENDERED	CODE	TARIFF CHARGE	
			2017/18	
1	WATER CHARGES: Residential		VAT excl	VAT incl
1,1	- Variable Charge 6 kl		Free	
1,2	- Variable Charge 0 to 24 kl		R 9	R 11
1,3	- Variable Charge 25kl and above		R 10	R 11
1,4	- Fixed Water charge		R 107	R 122
1,5	- Metered borehole charge		R 4	R 4,94
1,6	- Fixed Borehole Charge		R 78	R 89
1,7	- Indigent: Variable Charge 0 to 24 kl		R 6	R 7
1,8	- Indigent: Variable Charge 25kl and above		R 7	R 8
2	WATER CHARGES: Business		VAT excl	VAT incl
2,1	- Metered water charges: Business		R 13	R 15
2,2	- Fixed water charges: Business		R 454	R 486
2,3	- Metered borehole charge		R 6	R 7
2,4	- Fixed Borehole Charge		R 309	R 353
3	WATER : Religious inst., NPO's & NGO's		VAT excl	VAT incl
3,1	- Metered water charge		R 9	R 11
3,2	- Fixed Water Charge		R 263	R 300
4	SEWER CHARGES: Residential		VAT excl	VAT incl
4,1	- Variable charge: 6kl		Free	Free
4,2	- Variable charge: 7kl and above		R 1	R 1
4,3	- Fixed: Metered sewer		R 51	R 58
4,4	- Fixed: UnMetered Sewer		R 67	R 76
4,5	- Sludge Removal per Annum		R 459	R 524
4,6	- Sewer Blockage Fee		R 338	R 386
5	SEWER CHARGES: Business / Institutions		VAT excl	VAT incl
5,1	- Variable Charge		R 2	R 2
5,2	- Fixed Charge		R 124	R 141
5,3	- Sludge Removal		R 1 379	R 1 572
5,4	- Sewer Blockage Fee		R 1 567	R 1 787
5,5	- Communal Sludge Removal per Annum		R 460	R 524
6	REFUSE REMOVAL CHARGE		VAT excl	VAT incl
6,1	- Residential Properties (once every week)	Note 01	R 42	R 48
6,2	- Indigent Residential Properties (once every week)	Note 01	R 27	R 30
6,3	- Churches (once every week)	Note 01	R 55	R 62
6,4	- Business Properties (once every week)	Note 01	R 121	R 138
6,5	- Office Complex (once every week)	Note 01	R 1 421	R 1 620
6,6	- Shopping Complex per unit		R 178	R 203
6,7	- Flats (once a week)	Note 01	R 533	R 608
6,8	- Hostels / Boarding complex (once every week)	Note 01	R 267	R 304
6	REFUSE REMOVAL CHARGE - Cont.		VAT excl	VAT incl
6,9	- Industrial complex (once every week)	Note 01	R 2 665	R 3 038
6,1	- Schools(once every week)	Note 01	R 267	R 304
6,11	- Government Institutions (once every week)	Note 01	R 1 421	R 1 620
6,12	- Rubble Removal per Truck Load		R 821	R 936
6,13	- Sludge Waste Disposal per application		R 2 052	R 2 339
6,14	- Private Dumping at Dumping Sites per Month	Note 01	R 4 104	R 4 679

LOCAL AUTHORITY NOTICE 81 OF 2017



Notice is given in terms of Section 132 (2) (5,6) of the By-Law on Spatial Planning and Land Use Management of Emakhazeni Local Municipality, Dr JS Moroka Local Municipality, Thembisile Hani Local Municipality and Victor Khanye Local Municipality declare that the Nkangala District Municipality Appeal tribunal hereby commences its operation

Section 133(g) of the Emakhazeni Local Municipality, Dr JS Moroka Local Municipality, Thembisile Hani Local Municipality and Victor Khanye Local Municipality Spatial Planning and Land Use Management By-Law, 2015 requires the municipality to publish the names of the Nkangala District Municipal appeal tribunal and their terms of office in the provincial gazette, following persons will serve on the Nkangala District Appeal Tribunal

OFFICIALS IN THE FULL-TIME SERVICE OF THE NKANGALA DISTRICT MUNICIPALITY	
Name of the official	Term of office
Ms Ngcebetsha Anele	Five years
Mr Levert Mohlabane	Five years
Mr April Ntuli	Five years
Mr Mandla Mahlangu	Five years
Ms Mpho Nembilwi	Five years

LOCAL AUTHORITY NOTICE 82 OF 2017**STEVE TSHWETE AMENDMENT SCHEME No. 703****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME 2004, IN TERMS OF SECTION 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I, **JOHANNES JACOBUS MEIRING, PROFESSIONAL LAND SURVEYOR**, being the authorized agent of the owner of

PORTION 1 OF ERF 2612 AERORAND TOWNSHIP

hereby give notice in terms of Section 94(1)(A) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the **STEVE TSHWETE LOCAL MUNICIPALITY** for the amendment of the town planning scheme known as **STEVE TSHWETE TOWN PLANNING SCHEME, 2004**, for the rezoning of the abovementioned property situated at **AERORAND**, by rezoning the property from **"RESIDENTIAL 1"** to **"PARKING"**, subject to certain conditions.

Any objection/s or comment/s including the grounds for such objection/s or comment/s with full contact details, shall be made in writing to the Municipal Manager, P.O.Box 14, MIDDELBURG, 1050, within 30 days from **28 JULY 2017**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. of Walter Sisulu-and Wanderers Avenue, MIDDELBURG, 1050, Tel: (013) 249 7000, for a period of 30 days from **28 JULY 2017**.

Address of agent:

**JOHAN MEIRING PROFESSIONAL LAND SURVEYOR
36A BEYERS NAUDE STREET MIDDELBURG; 1050
TEL: (013) 243 4110**

28-04

PLAASLIKE OWERHEID KENNISGEWING 82 VAN 2017**STEVE TSHWETE WYSIGINGSKEMA No. 703****KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WETTE, 2016.**

Ek, **JOHANNES JACOBUS MEIRING**, PROFESSIONELE LANDMETER, synde die gemagtigde agent van die eienaar van

GEDEELTE 1 VAN ERF 2612 VAN DIE DORP AERORAND

gee hiermee ingevolge Artikel 94(1)(A) van die Steve Tshwete Ruimtelike Beplanning en Grongebruiksbestuur By-Wette, 2016, kennis dat ek by die **STEVE TSHWETE PLAASLIKE MUNISIPALITEIT** aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as **STEVE TSHWETE DORPSBEPLANNINGSKEMA 2004**, vir die hersonering van die bogenoemde eiendom geleë in **AERORAND**, vanaf "**RESIDENSIEËL 1**" na "**PARKERING**", onderhewig aan seker voorwaardes.

Besware teen of kommentaar, tesame met stawende bewyse, en volledige kontakbesonderhede, moet binne 'n tydperk van 30 dae vanaf **28 JULIE 2017**, skriftelik by die Munisipale Bestuurder, Posbus 14, MIDDELBURG, 1050 ingedien of gerig word.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, h/v Walter Sisulu-en Wanderersrylaan, MIDDELBURG, 1050, Tel: (013) 249 7000, vir 'n tydperk van 30 dae vanaf **28 JULIE 2017**.

Adres van agent:

**JOHAN MEIRING PROFESSIONELE LANDMETER
36A BEYERS NAUDESTRAAT MIDDELBURG; 1050
TEL: (013) 243 4110**

28-04

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Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.