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GEORGE MUNICIPALITY

STORMWATER BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.11, resolved to pass the Stormwater By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

STORMWATER BY-LAW

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CHAPTER 1

DEFINITIONS AND GENERAL PROVISIONS

Part 1. DEFINITIONS

Introduction

This by-law is for the stormwater drainage from domestic as well as trade (business and industrial) premises as well as open areas discharging to the George Municipality stormwater system and other natural streams or rivers.

Definitions

In this by-law unless the context otherwise indicates –

“access”

means a place or point which has been specifically formed, where ingress or egress can be made by any persons, machines or stock;

“approval”

means authority granted in writing by the Municipality, either by resolution of the Council or by an official of the Municipality authorized for that purpose;

“Authorised official”

means a person in the employ of the Municipality, authorised by the Municipality to administer and implement the provisions of this By-law, or if the Municipality has appointed a service provider, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider

“best management practice (bmp)”

means an activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

“building”

means any building within the meaning of the National Building Regulations

“catchments”

means an area of land within the municipal area from which water drains towards a common watercourse.

“engineer”

means the Director: Civil Engineering Services of George Municipality or his / her duly authorised representative;

“contaminant”

Includes any substance (including gases, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or,
- (b) When discharged onto or into land changes or is likely to change the physical, chemical or biological condition of the land onto or into which it is discharged.

Examples of contaminants shall include (but will not be limited to) oil, paint, solvents, soap, silt, grit, general debris, sewage, untreated animal wastes, swimming pool water, spa water and the like;

“discharger”

means a person who either discharges, or has obtained a consent to discharge, or direct the manner of discharge of stormwater, from any premises to a public stormwater drain of the Municipality;

“disconnection”

means the physical cutting and sealing either temporarily or permanently of the drain from a premises;

“domestic storm water”

means either that stormwater which is discharged from premises used solely for residential purposes, or stormwater of the same character discharged from other premises, provided that the contents of the stormwater are free from contaminants. Such discharges shall exclude the draining of domestic swimming and spa pools;

“drainage area”

means the municipal area of the Municipality or part thereof in which the Municipality has provided a drainage system for the drainage of storm water from premises and/or a site;

“fee”

means any fee or charge payable, as prescribed in the Schedule of Fees and Charges, for any application or work in accordance with the Bylaw;

“floodplain”

means land adjoining a watercourse which is predisposed to flooding up to the 100-year recurrence interval;

“flood prone areas”

Means those areas outside the 50-year flood plain that could be flooded in a 50-year design storm should the primary drainage system become blocked;

“level of service”

means the measurable performance standards, describe in section 7 of this bylaw, on which the Municipality undertakes to receive storm water from its customers.

“Municipality”

means—

- (a) George Municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) Subject to the provisions of any other law and only if expressly or implicitly required or permitted by these by-laws the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law;
- (c) An authorised agent or official of the Municipality;

“Municipal area”

means the area administrated by the Municipality

“municipal council”

means the George municipal council;

“municipal manager”

means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

“occupier”

means a person who occupies any (or part of any) land, building, structure or premises and includes a person who, for someone else's reward or remuneration allows another person to use or occupy any (or any part of any) land, building structure or premises;

“open drain”

means any system that collects and transports stormwater or groundwater through a series of open drains or ditches, but may include culverts and pipes in areas of vehicle or road crossings;

“organ of state”

Bears the meaning assigned to it in section 239 of the Constitution;

“owner”

means –

The person in whom from time to time is vested the legal title to premises;

In a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative

In any case where the municipality or its authorized agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

In the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;

In relation to –

A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or

A section as defined in the Sectional Titles Act 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

A person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“permit”

means a written permit issued by the Authorised Official;

“person”

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

“point of discharge”

means the boundary between the public stormwater drain and a private drain or between a drain and a stream/river;

“pollute”

Bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

“premises”

means either:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been, or may be, issued; or,
- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or,
- (c) Land held in public ownership for a particular purpose

“private drain”

means that section of private drain between the customer's premises and the point of discharge through which stormwater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers);

“private stormwater system”

means a storm water system which is owned, operated or maintained by a person and not the municipality;

“prohibited characteristics”

means storm water containing contaminants which shall not be discharged into the municipal stormwater system;

“public drain”

means any open drain or public stormwater drain whether or not the drain passes through private property, that is held in public ownership;

“public stormwater drain”

means all components of the main public stormwater drain and lateral connections that carry away stormwater from the point of discharge. The public stormwater drain is owned and maintained by the municipality. The stormwater drain includes gutters, sumps, laterals, pipes and manholes;

“publicly notified”

means published on at least one occasion in a newspaper circulating in the appropriate stormwater drainage area, or under emergency conditions, by the most practical means available at that time;

“schedule of fees and charges”

means the list of items, terms and prices for services associated with the discharge of stormwater as approved by the Council;

“secondary flow path”

means an overland flow path designed to accommodate flood flows in case the primary system is unable to cope with the flow;

“service opening”

means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public stormwater drain;

“site”

means:

- (a) An area of land which is:
 - i. Comprised in a single certificate of title; or,
 - ii. Contained in a single allotment on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council; or,
- (b) An area of land which is composed of two or more contiguous allotments held together in one certificate of title in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or,
- (c) An area of land which is composed of two or more contiguous allotments held in two or more certificates of title where such titles are held together in such a way that they cannot be dealt with separately without the prior consent of the Council;

“stormwater”

means water resulting from natural precipitation or the accumulation thereof, and includes

- (a) Groundwater and spring water ordinarily conveyed by the storm water system; and
- (b) Sea water within estuaries, but
- (c) Excludes water in a drinking water or waste water reticulation system
- (d) Excludes waste water from swimming pools.

“Storm water detention” means a system where stormwater is captured and temporarily stored before being released.

“storm water disposal and detention/retention plan”

means a detailed plan or plans describing what storm water control measures are to be implemented by a person, owner or developer before and during the construction period on any site or premises, as well as the final stormwater control measures required for the site or premises on completion of the development, and shall include a topographical survey with adequate contours and indicating all channels, catchpits, drainage pipes, drainage corridors and discharge points on the site or premises;

“Stormwater retention” means a system where stormwater is mostly stored on a permanent basis.

“storm water services”

means all public stormwater drains, open drains, channels, manholes, and other underground structures for the reception and discharge of stormwater vested in the Municipality or acquired or constructed or operated by or under the control of the Municipality;

“stormwater system”

means both the constructed and natural facilities, including pipes, culverts, road surfaces, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of stormwater, and includes a stormwater detention and/or retention system;

“trade premises”

means any premises used or intended to be used for carrying on any business, trade or industry, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes and on which trade waste is produced;

“trade waste”

means effluent emanating from industrial use of water and includes for purposes of this by-law, any effluent other than standard domestic effluent or stormwater;

“trunk stormwater drain”

means a storm water drain, generally greater than 375mm in diameter, which forms a part of the Municipality’s stormwater system;

“vehicle”

means a vehicle as defined in the National Road Traffic Act and includes the following:

“road tank vehicle”

means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;

“tank-semi-trailer”

means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;

“tank trailer”

means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;

“tank truck”

means a single, self-propelled vehicle with a tank mounted on it;

“truck-tractor”

means a self-propelled vehicle used to pull a tank-semi-trailer, and any other vehicle, which in the opinion of the municipality, is a vehicle contemplated in the National Road Traffic Act

“waste”

means any matter that when added to or mixed with any natural water, will contaminate the water so as to change its physical or chemical condition;

“wastewater”

means water or other liquid containing waste matter in solution or suspension, discharged from a premises to a sewer;

“watercourse”

Bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

“water and sanitation services by-law”

means the George Municipality Water and Sanitation Services Bylaw;

“work”

In relation to any watercourse, means any activity which in any way affects or may affect any flow of water in that watercourse, and includes earthmoving, piping, realigning or lining of any watercourse, and construction of any kind.

“50-year floodplain” Is the area that can be expected to be flooded in the event of flows that have been calculated from a 50-year design storm.

The 50-year storm flows are assessed on the basis that the catchment is fully developed and that the existing drainage system is operating efficiently and is clear of all obstructions.

Part 2. GENERAL PROVISIONS**3. Purpose of the by-laws**

The purpose of this by-law is to regulate stormwater management and activities that may have an adverse impact on the development, operation and maintenance of the stormwater system.

4. Application of by-laws

This by-law –

- (a) Binds an organ of state; and
- (b) Applies to stormwater systems within the municipal area.

5. Related Documents

The By-law must be read with the George Municipality Water and Sanitation Services By-law, the Building Control By-law and the By-law Relating to Streets, Sidewalks and Public Places.

6. Other Requirements

The provision of this By-law does not remove the need for any other permit, consent or authorization required under any other statutory acts and regulatory documents. Where a permit, consent or authorization is required under this By-law or any other statutory act or regulatory document enforced by the Municipality, applications for both shall be lodged at the same time.

7. Level of service

The Municipality shall provide stormwater disposal services in accordance with the level of service contained in the Guideline for Human Settlement Planning and Design as was issued by the Department of Housing and compiled by CSIR Building and Construction Technology in 2000 or any other storm water service levels that maybe accepted by Council.

8. Liability

The Municipality shall endeavor to meet the level of service requirements of section 7, but shall not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in the stormwater drainage network.

9. Prohibited conduct

- (1) No person shall construct, or maintain any road, or access way, for the passage of vehicles within fifteen (15) metres of the banks of any open drain, or over any public stormwater drain without having first obtained permission from the Engineer.
- (2) Discharge from any place, or place onto any surface, any substance other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;
- (3) Undertake any action that is likely to destroy damage, endanger or interfere with the stormwater system or the operation thereof.

- (4) When an incident contemplated in section 9((1), (2) and (3)) occurs without the consent of the municipality;
- (a) if the incident is not the result of natural causes, the person responsible for the incident; or
 - (b) the owner of the property on which the event took place or is taking place, must immediately report the incident to the municipality, and take, at own cost, all reasonable measures to contain and minimize the effects of the incident, which measures include, but are not limited to, the undertaking of cleaning up operations including the rehabilitation of the environment.
- (5) A person who contravenes a provision of section 9((1), (2) and (3)) commits an offence.

10. Inspection access

- (1) Subject to subsection 10(4), the owner or occupier of the land shall allow the Engineer, or any authorised official or agent, access to and about the point of discharge of any public stormwater drain for the purposes of monitoring, testing and maintenance work between 7.30 am and 6.00 pm on any day.
- (2) Subject to subsection 10(4), the owner or occupier of the land on either side of an open drain shall allow the Engineer or any authorised official or agent access to the drain for inspection and maintenance.
- (3) The owner or occupier of the land on either side of an open drain shall ensure that any building, structure or vegetation is not placed in a manner that is likely to restrict the free access to a drain for inspection and maintenance.
- (4) Wherever practical, the Engineer shall give 24 hours prior notice to the owner/occupier of intended entry. Where immediate action is required and advance notification is not practical, the Engineer or any authorised official or agent shall be allowed free access to an open drain or public stormwater drain at any hour of the day.
- (5) For the purpose of ascertaining whether any public stormwater drains or any open drains are being misused or to resolve a drainage problem, the owner / occupier of the land shall allow the Engineer or any authorised official or agent free access to and about the point of discharge at any hour.

11. Access for repair work

- (1) The owner or occupier shall allow the Municipality access to any area of the premises for the purposes of carrying out any work on the public stormwater drainage network, and for determining compliance with the requirements of this By-law.

- (2) Wherever practical the Engineer shall make every reasonable attempt to notify the owner or occupier of any scheduled work on the public storm water drainage network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice.

12. Non-complying connections

The owner of occupier shall allow the Municipality and any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made or a contaminant has been discharged.

13. Approval to connect

- (1) No person, other than the authorised official or agent of the Municipality, shall without approval, make any connection to or otherwise interfere with any part of the municipal stormwater services.
- (2) All owners and occupiers connected to the system prior to the enactment of this by-law shall be deemed to have approval to connect to the system.

14. Continuity of discharge

The municipality does not guarantee to receive stormwater without interruption; however the municipality will use all reasonable endeavors to ensure that any disruption is kept to a minimum.

15. Disconnection

An owner shall give ten (10) working days notice in writing of their intention to demolish or remove a building connected to the public stormwater drain. The demolition or removal shall not commence until the property has been disconnected from the public stormwater drain and the drain has been capped to a standard approved by the Engineer

CHAPTER 2

STORMWATER

Part 3. ACCEPTANCE OF DISCHARGE

16. Prohibited discharges

No person may, except with the written consent of the municipality-

- (1) Discharge, place or permit to enter into the stormwater system –

- (a) Anything other than storm water;
 - (b) Anything likely to damage the storm water system or interfere with the operation thereof;
 - (c) Anything likely to pollute the water in the storm water system
- (2) Discharge from any place, or place onto any surface, any substance other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;

17. Domestic and Commercial Stormwater

All domestic premises shall be entitled to have stormwater received and accepted by the municipality subject to:

- (1) The premises being situated within the municipal area of the Municipality
- (2) The premises being situated within the area which is served by public storm water drains, and;
- (3) Fulfillment of the requirements of this By-law.

18. On site disposal

- (1) Where possible, all properties shall dispose of stormwater generated within a property boundary through a public storm water drain.
- (2) If a property is not able to connect to the public stormwater drain, or the storm water system is at capacity, stormwater generated within the property boundary shall be disposed of on site, via a municipal approved soak away system.
- (3) If a public storm water drain is not available or a soak way system is not viable, an alternative method of disposal must be submitted for approval by the Engineer, prior to construction.

19. Requirement to connect

- (1) Where a storm water drain system exists all new premises are bound to connect to it unless the adequacy of an alternative disposal point can be demonstrated.
- (2) Each new connection shall be made directly to the stormwater main unless this is demonstrated as not practicable.
- (3) Private drains shall be permitted only with the prior written approval of the municipality and upon registration of the servitude on the affected land titles, where applicable.

20. Wastewater and trade waste

- (1) Trade wastes will not be permitted to be discharged to the public storm water system.
- (2) All trade waste must be connected to the public sewer system, subject to approval by the Engineer.

21. Storm water which contains contaminants

- (1) Storm water which contains contaminants may not be directly discharged to the stormwater drainage system.
- (2) The person responsible for storm water which contains contaminants shall either appropriately pre-treat this contaminated stormwater to remove the contaminant or obtain the written approval of the Engineer to discharge the contaminated stormwater into the sewer system.
- (3) Contaminated stormwater includes the runoff from properties contaminated with soil, etc, which reaches the gutter and then enters the stormwater system via a street sump / a setting pond or similar.
- (4) Where land drainage is the primary source of stormwater collection, the property owner shall provide if required by the municipality a setting sump / a setting pond or similar to a municipal approved standard prior to the storm water entering the drain.

22. Prevention of Inflow and Infiltration

- (1) The landowner or occupier of land shall prevent any sewage, waste contaminant from entering the storm water drainage system. This includes silt, oil, soap, grit or like materials.
- (2) For trade premises where stormwater cannot be separated from wastewater, the prescripts of the Municipality's Water and Sanitation Services By-law will be applicable.

23. Flow Rate

- (1) The Municipality may set a maximum daily flow rate discharged from any premise.
- (2) The Municipality will endeavor to take the flow from any property equivalent to the run off generated from a 1:10 year probability storm occurring in any one year with average domestic percentage coverage of impermeable areas.

24. Discharge Minimization

In order to meet the principles of sustainable management as promoted by the National Environmental Management Act, Act 107 of 1998 (NEMA), an owner / developer must

fit any devices and / or design their development in such a way that any storm water flow is minimized.

Part 4. PUBLIC STORMWATER DRAINAGE SYSTEM

25. Protection of a stormwater system

(1) No person may, except with the written consent of the Municipality and subject to any conditions the Municipality may impose –

- (a) Adjust, alter, damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the stormwater system or the operation thereof;
- (b) Discharge from any place, or place onto any surface, anything other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;
- (c) Discharge, permit to enter or place anything likely to damage the stormwater system or interfere with the operation thereof or contaminate or pollute the water therein;
- (d) Construct or erect any structure or thing over or in such a position, or in such a manner so as to interfere with or endanger the stormwater system or the operation thereof;
- (e) Make an opening into a stormwater pipe, canal or culvert;
- (f) Drain, abstract or divert any water directly from the stormwater system;
- (g) Fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system.
- (h) Plant trees or similar vegetation over/ in a stormwater system.
- (i) The connection into or diverting of stormwater into a public stormwater system without the prior consent of the Engineer
- (j) Permit the flow of any prohibited substance into a public stormwater system. i.e. no discharged other than stormwater is allowed.
- (k) Park or stop a vehicle over or on any stormwater drain.

26. Prevention of flood risk, management and standards

(1) No person may, except with the written consent of the Municipality and subject to any conditions the Municipality may impose –

- (a) Obstruct or reduce the capacity of the stormwater system;
 - (b) Change the design or the use of, or otherwise modify any aspect of the stormwater system which, alone or in combination with other existing or future uses, may cause an increase in flood levels or create a potential flood risk, or
 - (c) Undertake any activity which, alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.
 - (d) Take or divert water artificially from one catchment area over the natural watershed to another catchment area.
- (2) In relevant and lawful instances it can be required from the owner of any property –
- (a) To allow, after consultation and the reaching of a satisfactory agreement with the owner of a higher lying property, at the cost of the owner of the higher lying property, to lay a stormwater drain pipe or gutter over his property for the draining of concentrated stormwater;
 - (b) To retain stormwater on such property or, at the cost of such owner, to lay a stormwater drain pipe or gutter to a suitable place indicated by the Municipality in writing, irrespective of whether the course of the pipe or gutter will run over private property or not.
 - (c) To allow in a residential block where stormwater runoff can not be routed to the street, but flows over a lower lying property, the owner of the higher lying property to, at higher lying owners cost, canalize the water over the lower property.
 - (d) Where a boundary wall has been erected by the owner of the lower lying property that causes water to accumulate behind such wall and inconveniences owners of higher lying property/properties, the matter is regarded as a private neighbour law issue and must be resolved by the property owners concerned.
- (3) A holistic approach should be applied to catchment development, taking into account several factors. The following are to be observed by all persons, developers, owners, and contractors.
- (a) Before development takes place above an existing development or in the catchment area, the effects of the increased runoff on the existing downstream stormwater system must be assessed, planned and implemented in such a way that –
 - I. The peak flow immediately downstream of the development is no greater than it was before the development takes place, and

- II. Where existing detention / retention is provided in a stormwater system, the increases in the volume of runoff due to increased impermeable areas and lower surface frictions in the upstream developments,
 - III. the effectiveness of the downstream detention/retention dams is not decreased and therefore new development must incorporate flood attenuation measures into the town planning layout or relevant stormwater control plan.
- (b) Where it is not possible to avoid an increase in the downstream peak flow, development will only be allowed to proceed if the Municipality is satisfied that the downstream stormwater systems have the spare capacity to accommodate the additional peak flow.
 - (c) Adequate provision must be made for stormwater servitudes where overland flow can occur, either naturally or as a result of the development, or when the minor stormwater system infrastructure is overloaded or rendered ineffective due to blockages.
 - (d) Concentration of storm water runoff both spatially and in time must be prevented wherever possible.
 - (e) Steep slopes and soil profiles, where they occur, require careful management before, during and after construction. Detailed plans to control and prevent erosion by water must be approved by the Engineer in writing prior to the commencement of any works, including site clearance on any portion of the site.
 - (f) Storm water control systems should be constructed before any construction commences on a site. As construction progresses, the stormwater control measures are to be monitored and adjusted to ensure complete erosion control and appropriate runoff control at all times. Earthworks on site are to be kept to an absolute minimum.
 - (g) Walls and fences around properties that cross natural drainage channels must avoid concentration of flow onto downstream properties and must be designed so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on the property.
 - (h) Where the submission of a stormwater disposal and detention/retention plan is a condition of approval, plans detailing the proposed stormwater control measures are to be submitted to the Engineer and no prior physical work is to be undertaken without the prior written approval of the Municipality.
 - (i) Stormwater disposal and detention/retention plans must describe what control measures are to be implemented before and during the construction period, as well as the final stormwater control measures required for the site on completion of site development. Plans must indicate who is responsible for the design of the control measures

and who is or will be designated as the responsible person on site during each stage of the implementation of the control measures.

- (j) In the event of a failure to adequately implement the approved stormwater disposal and detention/retention plans, the owner/developer shall be responsible for making good all consequential environmental and other damages at his own cost.
- (4) The Municipality may, for stormwater control purposes, manage and control the construction of buildings, structures and earthworks in order to minimize the risk of the loss of lives or damage to properties and –
- (a) For this purpose also declare areas as stormwater management areas of which special requirements will apply with regard to construction and earthworks of any activity, that in the opinion of the Engineer may increase the risk of floods;
 - (b) Require that the general plan or lay-out plans of the development or subdivision of any property indicate lines in an acceptable form, which will indicate the maximum level which will probably be reached in an average of 50 years and 100 years by the flood water;
 - (c) May, subject to other legislation, refuse any new permanent residential, commercial or industrial development or request for densification or any other plans under the 50 years flood line.
 - (d) Where such development or application is approved within the flood plain, the lowest level of any new building, structure or addition thereto, must be above the 100 year flood surface lines where possible;
 - (e) That all services required by the development shall be designed to withstand the effects of flooding without risk of environmental pollution, or risk of damage, injury or loss to the property owner, residents and general public.
 - (f) Allow flood protection embankments, provided the construction of a levee does not materially affect the direction and velocity of the main stream or its tributary watercourses, and that a levee serves a useful purpose and that the risks of damage or injury are not increased.

27. Studies and Assessments

- (1) The conditions of the Municipality may impose may include, but are not limited to-
- (a) The establishment of flood lines;
 - (b) The undertaking of a report on the influence on the environment, and Environmental impact studies or investigations which may be required by any applicable environmental legislation.

- (c) Any hydrological/hydraulic studies deemed necessary
 - (d) The location and assessment of all existing stormwater infrastructure to determine the effects of connecting the new system to the existing system and if the existing system has sufficient capacity.
- (2) The costs of any undertaken in terms of the provisions of subsection (1), is for the account of the owner/developer.

28. Working around buried services

- (1) Any person proposing to carry out excavation work is responsible for obtaining all as-built information available to establish whether or not municipal services are located in the vicinity.
- (2) At least five working days notice in writing shall be given to the Municipality of an intention to excavate in the vicinity of its services.
- (3) The Municipality may nominate in writing any restrictions on the work it considers necessary to protect its services.
- (4) Where applicable, a wayleave application in accordance with the Municipality's Wayleaves Policy is to be submitted to the Municipality prior to any work being carried out.
- (5) When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate municipal specification.
- (6) Any damage which occurs to a municipal service shall be reported to the municipality immediately.
- (7) The owner/developer/person causing any damage shall be liable to the municipality for all costs associated with repairing the damaged service, and any other costs the Municipality incurs as a result of the incident.

29. Building over public storm water drains

- (1) In respect of building or loading over buried stormwater services, or excavation near public stormwater drains, the restrictions described in sections 29(4) to 29(6) shall apply.
- (2) The Engineer may apply other restrictions for the protection of the public drainage system after consideration of proposed work methods, depths of excavation, soil physical properties, and other site-specific factors.
- (3) No building shall be built over a public stormwater drain, whether that drain is situated on public or private land;

- (4) No building shall be built closer than the greater of:
- (a) 1.5 metres from the centre of any public stormwater drain, or
 - (b) The depth of the centreline of the stormwater drain, plus the diameter of the stormwater drain, plus 0.2 metres from the centre of that stormwater drain.
- (5) Subject to approval, a building developer shall meet the cost of diverting the public stormwater drain (including any manholes) in accordance with the municipal standards and satisfy the requirements that may be imposed by the Engineer.
- (6) Where the provisions of subsections (2), (3) and (4) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Engineer subject to the building developer:
- (a) Provide engineering plans design by a professional engineer for the protection of the public stormwater drain for consideration and approval of the Engineer.
 - (b) Protecting the public stormwater drain and trench from any loading as per the approved design; and,
 - (c) Providing physical access to the public stormwater drain for maintenance and replacement without structural effect on the building; and,
 - (d) Registering a servitude on the property title for the public stormwater drain for the purposes of maintenance and access; and,
 - (e) Indemnifying the municipality for any loss, damage or other liabilities as a result of the building being built over the public stormwater drain, and,
 - (f) Carrying out sufficient investigations to accurately determine the stormwater drain's location and depth, and to prove that the stormwater drain is in a condition where it has a remaining life of at least 50 years
 - (g) In the event that subsection (f) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (h), (i) and (j);
 - (h) Bore piling the building 1.0 metre clear distance either side of the stormwater drain to below the stormwater drain invert to ensure that no building loads are transferred to the stormwater drain and that it is possible to excavate down to the stormwater drain without threat to the building;

- (i) Providing two additional manholes into the stormwater drain between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres), provided that the stormwater drain lies in a straight line and that there are no other connections between these two manholes;
- (j) Carrying out all work on and around the stormwater drain in accordance with municipal engineering standards;
- (k) Any structure erected near a water course is at the owner's risk
- (l) The Municipality shall not be held responsible or liable for any costs incurred to structures due to floods, embankment collapse, blocking of the stormwater system/water course due to debris, inadequate design of the stormwater system or aging of the system.
- (m) Registering against the Certificate of Title by way of a Serature granting the municipality a right to convey and drain stormwater.

30. Loading of material over Public stormwater drains

- (1) No person shall cause the crushing load imposed on a public stormwater drain to exceed the soil overburden.
- (2) No person shall place any additional material over or near a public stormwater drain without prior approval of the Engineer.
- (3) Service openings shall not be covered in any way unless approved in writing by the Engineer.
- (4) Removal of any covering material or adjustment of the opening situated on private property shall be at the property owner's expense.

31. Excavation near public stormwater drains

No person shall excavate, or carry out piling or similar work closer than:

- (a) Five (5) metres from the edge of any trunk stormwater drain; or,
- (b) Two (2) metres from the edge of any public stormwater drain, without the prior written approval of the Engineer. Such approval may impose conditions on the carrying out of any work near the stormwater drain.

Part 5. PRIVATE STORMWATER DRAINAGE SYSTEMS

32. Stormwater systems on private land

- (1) An owner of property on which a private stormwater system is located –
 - (a) May not carry out any activity that will or that, in the opinion of the Municipality, could reasonably be expected to adversely affect the functioning of such stormwater system;
 - (b) Must keep such stormwater system functioning effectively at own cost; and
 - (c) Must undertake the refurbishment and reconstruction thereof if, in the opinion of the Municipality, it should be reconstructed or refurbished.
- (2) In cases where the flow of stormwater in a private stormwater system has been increased as a result of new building developments or changes to the stormwater system by the Municipality, the Municipality may, either on request of the owner or on own volition, decide to take over the responsibility for the private stormwater system.
- (3) The provisions of sub-section (1) do not apply to the extent that the Municipality has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of servitude.

33. Maintenance of private drainage systems

It is the responsibility of the owner or occupier to properly maintain in good working order at all times, the private stormwater drainage network on the premises, including all pipes, gutters, stormwater detention/retention devices or other components as well as the drainage network itself.

34. Private drainage systems

The owner of a private drainage system shall at all times ensure that the private drainage system is functioning in such way as to prevent a nuisance in up to a 1:10 year storm.

35. Operation of on-site management system and drainage system to be demonstrated

The owner of an on-site stormwater management system and/or a private drainage system shall on request by the municipality provide such information as is required to demonstrate that their private system is functioning in such a way as to prevent harmful effects in storms up to 1:10 return period, and shall if this is not the case, carry out such works as are required to make it so (having first obtained such approvals as are required for the works involved)

Part 6. INFRASTRUCTURE**36. Provision of infrastructure**

(1) The Municipality has the power to –

- (a) Construct, expand, alter, maintain or lay any drains, pipes or other structures related to the stormwater system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the Municipality;
- (b) Drain stormwater or discharge water from any municipal service works into any natural watercourse, and
- (c) Take other action necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subsection (a).

CHAPTER 3:**OPEN LAND DRAINAGE****Part 7. OPEN LAND DRAINAGE****37. Maintenance and repair of open drains**

- (1) No person shall carry out any work, if the work is likely to create adverse effects, in, over or under an open drain within the 100 year flood plain or a flood prone area, without a permit from Municipality.
- (2) No person shall divert any open drain or otherwise cause stormwater to flow into any wastewater drain.
- (3) No person shall deposit any material, rubbish or litter in or near a stormwater drain in a position where it may be washed into or may impede the stormwater drain under flood conditions.
- (4) The owner and occupier of a property shall ensure that all open stormwater drains are kept clear of any obstruction that impedes or is likely to impede the free flow of water, for a distance of at least 3 metres from the nearest margin of the stormwater drain;
- (5) No person shall remove vegetation from such an area without approval from the Municipality, if that clearing may cause or worsen erosion or sedimentation of the drain.

- (6) The Municipality may, by notice, require the owner of the land through which any open drain passes to cleanse, maintain and repair the drain or any part thereof within such reasonable time as shall be allowed by the Municipality.

38. Obstruction of open drains

- (1) No person shall without a permit:
- (a) Stop any open drain; or,
 - (b) Obstruct any open drain; or,
 - (c) Modify, divert or deepen any open drain; or,
 - (d) Store any material in any open drain; or,
 - (e) Erect any barrier or defence against water in or near any open drain; or,
 - (f) Erect any defense against water in or on land in the catchments on which, if no such defense was created, flood waters would have encroach, flow or deposit any debris or other material.
- (2) No person shall, without a permit, place any obstruction that impedes or is likely to impede the free flow of water in an open drain other than any barrier required to be established by law.
- (3) The Engineer may waive any requirement for a permit under subsections (1) and (2) where it is satisfied that the activity being carried out:
- (a) Will not increase the quantity of stormwater and rate at which stormwater previously flowed beyond the boundaries of the property on which the activity occurs; or,
 - (b) Will not adversely affect the quality of stormwater which previously flowed beyond the boundaries of the property on which the activity occurs; or,
 - (c) Will not adversely affect the efficiency of flow of any stormwater entering the property; or,
 - (d) Will not alter the point of discharge from the property.
- (4) No owner or occupier of the land on either side of any open drain shall deposit, or cause or permit to be deposited any material or thing that could cause or likely to cause obstruction within the drain.
- (5) No owner or occupier of the land on either side of any open drain shall allow any cattle or other animals to damage or destroy the drain.

39. Damage

- (1) Subject to Clause 40 or any resource consent or permit issued by the Municipality, no person shall cause or allow to cause any damage to, or interfere with, or destroy any:

- (a) Dam;
 - (b) Reservoir;
 - (c) Stormwater pond;
 - (d) Swale;
 - (e) Overland flow path;
 - (f) Stop bank;
 - (g) Head works;
 - (h) Building; or,
 - (i) Any other installation connected with drainage works and under the control of the Municipality.
- (2) Subject to Clause 40, or any resource consent or permit issued by the Municipality, no person shall destroy, damage or interfere with any tree, shrub or other vegetation planted or permitted to grow by the Municipality for the purpose of protecting any dam, reservoir or
- (3) Stop-bank.
- (4) Subject to Clause 40 or any resource consent or permit issued by the Municipality, no person shall destroy damage or interfere with an installation connected with the drainage works and under the control of the Municipality.

40. Repair Damage

Where any open drain has been damaged by any person, stock, plants or otherwise, the person(s) responsible for such damage shall repair such drain to the satisfaction of the Municipality.

41. Additional Water

- (1) No owner or occupier shall allow the overflow of any artesian well on property owned or occupied by that person to fall, flow or percolate into any public or any private drain connected with a open drain without the previous written consent of the Municipality.
- (2) No person shall without the prior written consent of the Engineer pump or release any water into any public drain or into any side drain flowing into any public drain.
- (3) No person shall construct or maintain any drain or system of drains which shall cause water to flow into a public drain from outside the Catchment Area of the public drain where, in the opinion of the Municipality, the water will overload the capacity of the public drain or will otherwise interfere with the proper functioning of the public drain.

CHAPTER 4

SITE DEVELOPMENT AND MANAGEMENT

Part 8. SITE DEVELOPMENT AND MANAGEMENT

42. Proposed Works

- (1) The developer of any land shall be solely liable for the design and construction of the stormwater drainage to service the development
- (2) No person shall carry out stormwater drainage works without:
 - (a) Prior written approval from the Engineer; and
 - (b) A building consent, resource consent if required or approval from the Engineer.
- (3) Every application to carry out stormwater drainage works shall include drawings and specifications for the proposed works. The drawings shall show, to the satisfaction of Engineer, the proposed works and their effects on the subject site and surrounding land.
- (4) All proposed stormwater drainage works shall be designed, constructed and operated:
 - (a) By a registered professional engineer / technologist in accordance with Specifications of the Municipality
 - (b) In compliance with any relevant Stormwater Management Plan or discharge consent including its recommendations or conditions for the area concerned; and
 - (c) Provision must be made for the accommodation of stormwater from surrounding existing and future developments
 - (d) To the Municipality's standards for corresponding public drainage works where they serve or may serve land or buildings in different ownership; and
 - (e) In compliance with the provisions of the By-law and the Municipality's Stormwater Drainage Policies; and
 - (f) To minimise sediment discharge to any other stormwater drain; and
 - (g) In compliance with any written condition impose by the Municipality when approving the works, and with any relevant building or resource content; and

- (h) To be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the catchment as a whole.
 - (i) The construction of the storm water drainage systems must be done under the supervision of a registered professional engineer / technologist.
- (5) Such stormwater drainage works shall remain the responsibility of the owner of the land on which the works occur unless they are taken over and vested in the Municipality. The cost of all work involved will be the owner's cost unless specific agreement for alternative cost sharing is approved in writing by the Municipality.
- (6) Whenever it may be necessary and or prudent for the developer to share drainage systems with the developments of adjacent land, the developer shall negotiate all aspects regarding the cost allocation design and construction of the shared system with such adjacent owner or developer.
- (7) In the instance where an adjacent developer or owner must install services over the new development. The municipality may make a pro rata contribution to such services as determined by the Engineer.
- (8) The maintenance of the internal storm water drainage system shall remain the responsibility of the homeowners' association and shall be transferred to the home owner's association.

43. Other development

No person shall extend or alter any building or structure which is already constructed on, over or under any land within a flood risk area, flood plain or overland flow path in such a way that the extent of the obstruction to the flood risk area, flood plain or overland flow path, unless specifically approved in writing by the Municipality and subject to such conditions that the Municipality may set.

44. Vehicle crossings and driveways

- (1) Where a building is at an elevation below the carriageway of the adjacent road or access way, the vehicle crossing to the site shall be constructed with an over vertical curve to ensure that run-off from the carriageway does not enter the property via the vehicle crossing.
- (2) The internal vehicle drive and parking areas shall be designed and constructed to direct run-off away from the buildings and to eliminate the potential for a nuisance to be created.

45. Saltation and erosion protection

- (1) No person shall as a result of development discharge any stormwater into a stormwater drain or any drain leading to a stormwater drain unless such development includes provisions to ensure saltation and erosion are not increased and that water quality is not reduced.
- (2) This shall include the installation of adequate silt control measures to the satisfaction of the Municipality to prevent the discharge of silt laden water directly or indirectly to any stormwater drain.
- (3) Such provisions shall be made before development causing such discharges is started.
- (4) The above control measures shall be maintained and regularly cleaned out until ground cover has been reinstated on the site.

46. Diverting Public stormwater pipes

Subject to specific prior approval in writing by the Municipality, a developer may divert a public stormwater pipe (including any ancillary structures) in accordance with any engineering requirements specified by Municipality, and the developer shall meet the cost of such diversion work.

Part 9. APPROVAL TO CONNECT TO A PUBLIC STORMWATER DRAINAGE SYSTEM

47. Approval to connect

No person may make a connection to, or otherwise interfere with the public stormwater drainage network without prior written approval of the Municipality.

48. Application

- (1) Every application for connection to the public stormwater network shall be made in writing. The applicant shall provide all the details required by the Municipality to enable the municipality to consider the application.
- (2) On receipt of an application the Municipality shall, after consideration of the application and other matters relating to the application and the stormwater drainage network, either.
 - (a) Approve the application and inform the applicant of the size of the connection and any particular conditions applicable; or
 - (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

- (3) Failure to comply with any of the terms and conditions constitutes interference with the public stormwater drainage network without prior approval and is a breach of this By-law.
- (4) Any new connection shall be dimensioned from the immediate downstream manhole to the centre of the newly installed connection, and an as-built plan showing the connection shall be provided to the Municipality within 7 days of installation and acceptance by the Municipality.
- (5) Any such connection shall be carried out by a approved CIDB registered contractor under the supervision of the Municipality, its delegated representative or by the Municipalities own construction teams.
- (6) The applicant shall have the authority to act on behalf of the owner of the premises for which the connection is sought and shall produce written evidence of this if required.
- (7) An approved application which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of Municipality.

49. Prescribed charges

Charges applicable at the time of connection may include:

- (1) Payment to Municipality or an approved contractor for the cost of the physical works required to provide the connection;
- (2) A development contribution may be charged as determined in accordance with the Municipality's relevant policies and/or guidelines on external services contributions;

50. Point of Discharge

- (1) The point of discharge from premises shall be the point on the public stormwater drainage network which marks the boundary of responsibility between the owner and the Municipality.
- (2) Unless otherwise approved there shall be one point of discharge only for each premises.
- (3) Where a private pipeline discharges into a public stormwater network on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public pipeline.
- (4) Single ownership
 - (a) For individual owners the point of discharge shall be located as shown in Annexure A or as close as possible where fences, walls,

or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.

- (b) No connections shall be made on the private drain to supply other premises, unless prior written approval is received from the Municipality and by prior agreement between the parties in terms of the maintenance of the infrastructure.

(5) Multiple ownership

- (a) The point of discharge for the different forms of multiple ownership of premises and / or land shall be:
 - I. For Company Share / Block Scheme (Body Corporate) - as for single ownership;
 - II. For Leasehold / Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership - each owner shall have an individual pipe with the point of discharge determined by agreement with Council. In specific cases other arrangements may be acceptable, subject to individual approval by Council.

(6) Layout

- (a) The physical drainage layout at a point of discharge shall be as per normal engineering practices and as approved by the municipality.
- (b) For a multiple ownership private drain which was in existence prior to the coming into effect of this Bylaw, the point of discharge shall be the arrangement existing at that time, or as determined by agreement with the municipality for any individual case.

51. General

(1) The Municipality may –

- (a) Demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention with the provisions of this by-law;
- (b) Fill in, remove and make good any ground excavated, placed or removed in contravention with the provisions of this by-law and recover the costs for such action;
- (c) Repair and make good any damage done in contravention with the provisions of this by-law or resulting from a contravention and recover costs;
- (d) Remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this by-law;

- (e) Remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
 - (f) Seal off or block any point of discharge from any premises if such discharge point is in contravention with the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
 - (g) Cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
 - (h) Discharge stormwater into any watercourse, whether on private land or not.
- (2) The Municipality may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the Municipality may deem necessary to prevent the occurrence or repetition of such contravention.
- (3) The Municipality may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

CHAPTER 5:

HAZARDOUS MATERIALS AND SUBSTANCES

Part 10. HAZARDOUS MATERIALS OR SUBSTANCES

52. Water pollution incidents

- (1) Whenever a water pollution incident takes place on any property or premises
- (a) The owner of the property or premises on which the incident took place, or is still in the process of taking place, or
 - (b) The person responsible for the incident, if the incident is not the result of natural causes, must immediately report the incident to the Municipality and/or any other Government Body involved with pollution control, and at own cost, take all reasonable measures which will contain and minimise the effects of the pollution.
- (2) If the owner or person responsible for the pollution incident fail to introduce measures to contain and minimise the effects of the pollution or have introduced insufficient measures, the Municipality may at the cost of such owner or person –
- (a) Undertake cleaning up procedures;
 - (b) Rehabilitate the environment;

- (c) Take any other reasonable measures to neutralise the effect of the pollution incident.

53. Hazardous materials

In the event of a spillage or other event which has released any hazardous material or substance into any open drain or any public stormwater drain, the Engineer shall be advised of the details with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

54. Storage of hazardous materials

- (1) The occupier shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the municipal stormwater services or the health and safety of municipal staff and the public, without taking all reasonable steps to prevent entry into the municipal stormwater drain from leakage, spillage or other mishaps.
- (2) The occupier shall comply with the requirements of the Hazardous Substances Act, Act 15 Of 1973 and the Hazardous Chemical Substances Regulations of the Occupational; Health and Safety Act, Act No. 85 of 1993, as to the storage of hazardous substances.

CHAPTER 6

STORMWATER MANAGEMENT

Part 11. DOCUMENTATION

55. Authentication and service of notices and other documents

- (1) Any notice or other document by the Municipality shall be deemed to be served in accordance with the provision section 115(1) of the Local Government: Municipal System Act, Act 32 of 2000
- (2) Service of a copy shall be deemed to be service of the original.
- (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

56. Exemptions

Any person may, by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.

- (1) The municipality may—
 - (a) Grant an exemption in writing and the conditions in terms of which, and the period for which such exemption is granted must be stipulated therein;
 - (b) Alter or cancel any exemption or condition in an exemption; or
 - (c) Refuse to grant an exemption.
- (2) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (3) If any condition of an exemption is not complied with, the exemption lapses immediately.

Part 12. BREACHES AND REMEDIES

57. Offences and penalties

- (1) Any person who –
 - (a) contravenes any provision of this by-law;
 - (b) fails to comply with the terms of any condition or a notice issued in terms of this by-law;
 - (c) threatens, resists, hinders or obstructs an employee or contractor of the Municipality in the exercise of any powers or performance of any duties or function in terms of this by-law,
- (2) Is guilty of an offence and, on conviction, liable to –
 - (a) A fine or imprisonment or to both such fine and such imprisonment;
 - (b) In the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued, and
 - (c) A further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

58. Remedial work

At any time after the specified period of any notice issued in accordance with Section 56 has elapsed, the Municipality or any authorised agents may carry out any remedial work

required in order to make good the breach, and recover from the person committing, or allowing the breach all reasonable costs incurred in completing the remedial work.

Part 13. APPEAL AND COMMENCEMENT

59. Appeal

A person whose rights are affected by a delegated decision taken in terms of this By-law may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the Municipal Manager within 21 days of the date of the notification of the decision.

60. Short Title and Commencement

This by-law shall be known as the George Municipality By-law relating to Stormwater and shall come into operation on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY

BY-LAW RELATING TO STREETS, SIDEWALKS AND PUBLIC PLACES

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.11, resolved to pass the By-Law relating to Streets, Sidewalks and Public Places as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape

BY-LAW RELATING TO STREETS, SIDEWALKS AND PUBLIC PLACES

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CHAPTER 1: DEFINITIONS, PURPOSE AND OBJECTIVES

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and unless the context otherwise indicates:—

"animals" mean any cats, dogs, horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches, indigenous mammals and other wild and ferocious animals;

"drunk" means a person who, by reason of the alcohol or other narcotic drugs which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him- or herself, or of performing any act in which he or she is engaged, with safety to him- or herself or with that regard to the rights of others which the law demands;

"municipality" means the municipality of George established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal area" means the area of jurisdiction of George municipality as determined in terms of the Municipal Demarcation Act, 1998;

"municipal manager" means a person appointed in terms of section 54A of the Municipal Systems Act, 2000;

"motor vehicle" means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

"owner" means the person or legal entity in whom the legal title to a property is vested.

"person" means any natural person, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public entity body, voluntary association or trust;

"public place" means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public;

"sidewalk" means that portion of a street between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"street" means any street, road, cycle path, thoroughfare or any other place, including-

- (a) the verge of any such road, street or thoroughfare
 - (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
 - (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
 - (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent Authority; or
 - (iv) constructed by the municipality; and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on –
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office;
- unless such land is on such plan or diagram described as a private street;

"vehicle" means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle

and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"work" means work of any nature whatsoever undertaken on any land under the jurisdiction of the municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of new building or alterations or additions to any existing building, excavations, the building of bridges and crossings over sidewalks, the laying of cables and pipes, the dumping of building or other material anywhere in a street or delivery to or removal from any site of any soil or material of any nature whatsoever.

2. Purpose and objectives

The municipality, acting under the Constitution and relevant legislation, and being aware of its duty to control the use of streets and sidewalks and to manage any work undertaken in such streets and sidewalks so as to provide a safe environment for all people within the municipal area, adopts this by-law to provide mechanisms and guidelines for such control and management.

CHAPTER 2: GENERAL PROVISIONS RELATING TO STREETS

3. Streets and sidewalks

No person may –

- (a) make, construct, reconstruct, or alter a street or sidewalk –
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality, or
- (b) construct a veranda, stoep, steps or other projection or erect a post in a street except with the written permission of the municipality.

4. Advertisements in streets

- (1) No person may display any advertisement, placard, poster or bill in a street –
 - (a) except with the written permission of the municipality, and
 - (b) subject to such conditions as may be determined by the municipality.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's Outdoor Advertising Management and Control By-law.

5. Animals or objects causing an obstruction

No person may –

- (a) deposit or leave any goods or articles in a street, or in an area designated therefore, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a pram or wheelchair which is being used for the conveyance of children or the disabled), or

- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street –
 - (i) except with the written permission of the municipality, and
 - (ii) subject to such conditions as may be determined by the municipality.

6. Trees in streets

The management and protection of trees in streets or public places will be undertaken in terms of the municipality's tree policy and any person who wishes to plant, remove, prune or cut down any tree or shrub in a road, street or public place must obtain the written permission of the municipality to do so.

7. Trees or growth causing an interference or obstruction

- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) An owner failing to comply with a notice issued in terms of subsection (1) commits an offence.
- (3) If the owner fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth and recover the cost in this regard from the owner.

8. Refuse, vehicle or motor vehicle wrecks, waste material, etc.

No person may –

- (a) dump, leave or accumulate any garden refuse, vehicle or motor vehicle wrecks, spare parts of vehicles or motor vehicles, building or waste materials, rubbish or any other waste products in any street, or
- (b) permit any such objects or substances to be dumped or placed in a street from premises owned or occupied by him, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality.

9. Parking of heavy vehicles, motor vehicles and caravans

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy vehicles or motor vehicles, park on the same street or sidewalk-
 - (a) a vehicle or motor vehicle with a tare exceeding 3500 kg;
 - (b) a trailer;
 - (c) a semi-trailer;
 - (d) a caravan; or
 - (e) boat.
- (2) Whenever a vehicle or motor vehicle is parked in contravention of subsection (1), it is deemed that such vehicle or motor vehicle has been parked by the owner thereof unless the contrary is proved.

10. Parking attendants

- (1) No person may, in exchange for money or some other thing of value or in anticipation thereof:
 - (a) direct the operator or occupant of a motor vehicle to a public parking space; or
 - (b) provide any other parking or related services in a public place.
- (2) Notwithstanding subsection (1), the municipality may, subject to such requirements and conditions as determined by it on application by a person or organisation, permit such person or organisation, upon payment of a fee, to direct the operator or occupant of a vehicle to a public parking space or to provide any other parking or related service.

11. Encroachments

- (1) Subject to section 3 and to such further conditions as it deems necessary, the municipality may by agreement permit encroachment on municipal property or the erection or maintenance of a veranda, balcony, sign, projecting sign or similar structure which projects in or over any street or public place.
- (2) When any immovable property owned by a municipality or under the control or management of the municipality is encroached upon without permission, the municipality may take the steps necessary to remove or regularise such encroachment.
- (3) The municipality may reduce the extent of a public place or street which is encroached upon by the extent of the encroachment or by such greater extent as may be desirable.
- (4) A permit issued under subsection (1) is, for the purposes of subsection (2), deemed to be a regularisation of the encroachment referred to in such permit.
- (5) A person who wishes to obtain the permission of the municipality as contemplated in subsection (1) must complete and submit to the municipality the prescribed form, and the municipality may issue a permit subject to the prescribed fee having been paid.
- (6) A person who contravenes a provision of subsection (5) commits an offence, and a person who fails to comply with any condition imposed under subsection (1) commits an offence and the municipality may, in addition to any other penalty which may be imposed –
 - (a) demolish, remove or fill in the projection or projecting structure concerned; or
 - (b) cause such projection or projecting structure to be demolished, removed or filled in, at the cost of the owner thereof or the person responsible for such encroachment.

CHAPTER 3: PROHIBITION OF CERTAIN ACTIVITIES IN STREETS

12. Vehicle or motor vehicle repairs in streets

No person may, in a street –

- (a) effect any repairs or service to a vehicle or motor vehicle, except where necessary for the purpose of removing such vehicle or motor vehicle from the place where it was involved in an accident, or
- (b) clean or wash a vehicle or motor vehicle.

13. Games and other acts in streets

No person may –

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
- (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

14. Use of explosives

No person may in or upon a street use explosives or undertake blasting operations -

- (a) except with the written permission of the municipality, and
- (b) subject to such conditions as may be determined by the municipality, and
- (c) subject to the provisions of the Explosives Act, 15 of 2003

15. Conveyance of animal carcasses or other waste products through streets

No person may carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand –

- (a) unless it is properly covered, and
- (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

16. Fences on street boundaries

No person may erect a barbed wire-, razor wire-, electrified fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

17. Building materials in streets

No person may bore or cut stone or bricks, slate or sift lime, or mix building materials, or store or place building materials or any other materials in a street except with the written permission of the municipality, and subject to the requirements prescribed by the municipality.

18. Balconies and verandas

No person may, except with the written permission of the municipality –

- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
- (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom.

19. Drying of washing on fences on boundaries of streets

No person may dry or spread washing on a fence on the boundary of a street.

20. Damaging of notice-boards

No person may deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street.

21. Street, door-to-door collections and distribution of handbills

- (1) No person may –
 - (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality;
 - (b) collect from door-to-door, beg or solicit or accept alms, except with the written permission of the municipality;
 - (c) distribute a handbill or similar advertising material or cause it to be distributed in any street or cause it to be placed on or in any vehicle without prior permission of the municipality.
- (2) An application fee as determined by the municipality from time to time may be levied in respect of any application in terms of subsection (1)(c).

22. Poison in streets

No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street.

23. Roller-skating and skating on skateboards

No person may, except with the prior written permission of the municipality, skate on roller-skates or a skateboard or a similar device in or on a street or in or upon an area where skating is prohibited by an applicable road traffic sign.

24. Persons to be decently clad

No person may appear in any street without wearing any clothes or not being clothed in such a manner as decency demands, provided that this provision does not apply to a child under the age of seven years.

25. Amusement shows and devices

- (1) No person may set up or use in any street or any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –
 - (a) except with the written permission of the municipality and subject to such conditions as may be determined by the municipality;
 - (b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
 - (c) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality shall, for the purposes of inspection; at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

26. Animals in a street

No owner or person –

- (a) in charge of any animal may allow such animals at any time to be insufficiently attended or at large in any street or may keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) may allow, permit or cause any animal to graze or stray in or about any street.

27. Restriction of access to streets

No person may, without the approval of the municipality, close or barricade any street or restrict access thereto.

CHAPTER 4: WORK IN STREETS AND SIDEWALKS AND WATER DISCHARGED ONTO STREETS**28. Use of vehicles that may damage street surface**

- (1) No person may –
 - (a) use a vehicle or motor vehicle or allow it to be used in any street if such vehicle or motor vehicle is in such a defective condition or of such excessive weight that it will or may cause damage to any street; and
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way.
- (2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.

29. Obstruction on streets or stopping or parking over or on manhole covers

- (1) No person may deposit or cause to be deposited or leave or cause to be left sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on a portion of a street, sidewalk or footpath, unless it is deposited within an enclosure in respect of which the written consent of the municipality has first been obtained.
- (2) No person may stop or park a vehicle or motor vehicle on or over any stormwater drain or manhole situated in a street or sidewalk, or in any other way prevent access to any stormwater drain or manhole situated in such street or sidewalk.

30. Work in public places or streets

- (1) No person may undertake work in any public place or street, or on property belonging to the municipality, without the prior written permission of the municipality and compliance with the municipality's Wayleaves Policy.
- (2) This By-law gives effect to the municipality's Wayleaves Policy.

31. Norms, standards and guidelines

The municipality's norms, standards and guidelines which describe appropriate measures for work in a public place or street or other property belonging to the municipality, are contained in its Wayleaves Policy.

32. Discharge or overflow of water on street

- (1) No person may, without prior written permission of the municipality and subject to the provisions of the George Municipality By-law Relating to Stormwater—
 - (a) allow to flow, lead or discharge water other than stormwater on, over or across a street; or
 - (b) by any means whatever, raise the level of water in a river, dam or watercourse so as to cause interference with or endanger a street .
- (2) A person who wishes to perform an action as contemplated in subsection (1), must submit to the municipality an application which contains full technical details of the proposed action, and the municipality may refuse or grant permission and -
 - (a) should the municipality refuse permission, it must supply the person with the written reasons for the refusal; or
 - (b) should the municipality grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.
- (3) The municipality may, subject to any law which may be applicable and after obtaining permission of the owner and the occupier of the land concerned, if any –
 - (a) deviate a watercourse, stream or river if the deviation is necessary for –
 - (i) the protection of a street or structure related to a street; or
 - (ii) the construction of a structure connected with or belonging to a street; and
 - (b) divert storm water from or under a street onto private property other than land containing buildings, other structures or improvements.
- (4) The municipality must compensate the owner or occupier of the land for damage caused as a result of acting under subsection (3), with an amount agreed upon between the municipality and the owner or occupier.
- (5) Application for permission must be made on a form provided for this purpose by the municipality.
- (6) A person who contravenes subsection (1) or a condition, requirement or specification imposed or determined by the municipality in terms of subsection (2)(b) commits an offence.

CHAPTER 5: BEHAVIOUR IN STREETS

33. Prohibited conduct

No person may, in a street—

- (a) cause a nuisance to other persons by loitering, standing, sitting, lying or begging;
- (b) sleep, overnight or erect any shelter;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language or signs;

- (e) fight or act in a riotous manner;
- (f) discharge a firearm, airgun or air-pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) be drunk or under the influence of drugs or use intoxicating liquor or drugs; or
- (l) spit.

CHAPTER 6: DISPLAY OF STREET NUMBERS

34. Street numbers

- (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises in terms of section 38(c) must be displayed and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) A number displayed as contemplated by subsection (1) must—
 - (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

CHAPTER 7: GENERAL POWERS OF THE MUNICIPALITY

35. Municipality may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, the municipality may –
 - (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- (2) The municipality may, without prejudice to its powers to take action against a person who fails to comply with a notice in terms of subsection (1), take the necessary steps to implement such notice and recover any expense in this regard from the owner of the premises or the offender, as be.

36. Closure of or restriction of access to streets

- (1) The municipality may permanently close, restrict the use of or divert any street or part thereof or restrict access to any street.
- (2) When the municipality decides to act in terms of subsection (1), the prescribed provisions for the closing of a public place in terms of relevant legislation, including the provisions of the George Municipality Land Use Planning By-law, must be adhered to.

37. Temporary closure of streets

- (1) The municipal manager or his/her delegate may, without complying with the provisions of section 36 –
temporarily close a street –
 - (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street- ;
 - (i) if such street is, in the opinion of the municipal manager , dangerous to traffic;
 - (ii) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
 - (iii) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of such street necessary, and
- (2) Temporarily divert a street which has been closed in terms of subsection (1)(a).
- (3) The municipal manager may in his/her discretion, for general information, place a notice of temporary closure in a local newspaper.

38. Construction and maintenance of streets

The municipality may in its area make, construct, reconstruct, alter and maintain streets;

39. Declaration of streets

- (1) The municipality may, subject to any land use planning requirements declare any land or portion of land under its control to street;
- (2) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy; in the absence of such policy, the municipality must give notice of its intention in a local newspaper in at least two official languages.
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2).

CHAPTER 8: PROCESSIONS

40. Processions

- (1) Subject to the provisions of subsection (6), no person may hold, organise, initiate, control or actively participate in a procession or gathering in a street or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street or use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) must submit a written application for permission, which must reach the municipality at least seven days before the date upon which any such action is intended to be performed or carried out, provided that persons who intend to

participate actively in a procession, or gathering need not apply to the municipality for permission and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller has obtained the permission of the municipality. An application made in terms hereof must contain the following:

- (a) Full details of the name, address and occupation of the applicant;
 - (b) full details of the street or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times and, in the case of processions and gatherings, the number of persons expected to attend; and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the municipality may issue a certificate granting permission and imposing conditions.
- (4) The municipality may refuse to approve applications in terms of subsection (2) if an action will be in conflict with the interests of public peace, good order or safety.
- (5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, the action will be in conflict with the interests of public peace, good order or safety.
- (6) The provisions of this section do not apply to –
- (a) wedding or funeral processions; and
 - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

CHAPTER 9: GENERAL MATTERS

41. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

42. Exemption

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this bylaw.
- (2) The municipality may –
 - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however,

if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

43. Offences and Penalties

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to –

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

44. Repeal of by-laws

The By-law relating to Roads and Streets promulgated in Provincial Gazette 6816 dated 30 November 2010, is hereby repealed.

45. Short title and commencement

This by-law shall be known as the By-law relating to Streets and shall come into operation on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY**PUBLIC TRANSPORT BY-LAW**

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.11, resolved to pass the Public Transport By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

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POLICIES****38. OFFENCES AND PENALTIES****39. APPEALS****40. REVOCATION OF BY-LAWS****41. SHORT TITLE AND COMMENCEMENT**

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the George municipality enacts as follows: -

1. DEFINITIONS

In this By-Law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the National Land Transport Act or the National Road Traffic Act, has the meaning assigned to it in those Acts; and

“Accessible” means able to be reached, entered, or used by people.

Act means the National Land Transport Act, Act 5 of 2009.

“Association”, or **“public transport operator association”** means a formal grouping of public transport operators or a body to which one or more of these bodies are affiliated, which is formed not for gain, its main object being to promote group interests of its members in the furtherance of the objectives of the Act.

“Authorised official” means a person authorised to implement the provision of this By-Law, including but not limited to:

- Peace officials as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which would include Law Enforcement officers and Traffic officers; and
- Such employees, marshals, agents, designated nominees, representative and service providers of the Municipality as are specifically authorised by the Municipality in this regard.

“Boarding platform” means the constructed platform located within the bus functional area behind the kerb-line alongside the legal bus stop sign, as provided in the National Road Traffic Act, No 93 of 1996, that is clear of any vertical obstruction and available for use by waiting, boarding or alighting passengers; such boarding area to accommodate ingress and egress from all authorised universally accessible and accessible vehicles.

“Bus” means a motor vehicle designed or lawfully modified to carry more than 16 persons (including the driver) (National Road Traffic Act, No 93 of 1996).

“Bus box” means an exclusive parking bay for the use of authorised buses, the area of which is in accordance with the mandatory requirements contained in the South African Road Signs Manual and the associated regulations.

“Bus cage” means that portion of the roadway that will be kept clear of obstructions and other traffic in order that a bus can manoeuvre in and out of the bus box and comprises the approach length (the entry taper length), the straightening section, the bus box and the exit length (the exit taper length).

“Bus depot” means the site or property that has been assigned or demarcated and which will be utilised by the contracted operator for the **GO GEORGE** bus service in terms of contractual arrangements.

“Bus stop” means a public transport stop where passengers are picked up or dropped off but at which buses do not wait for any significant period of time between services. Public transport stops shall be formally identified by regulatory signs R325 (Bus) or R326 (Minibus).

“Bus stop functional area” means that area that incorporates the bus cage and extends towards the adjacent road boundary.

“Bus stop shelter” means a municipal approved structure that provides privacy or cover at a bus stop.

“Calendar day” means the time from midnight to midnight or measured period of multiple calendar days shall be exclusive of the first day and inclusive of the last day.

“Contracted Operator” means the operator who has entered the negotiated operator contract or tendered contract as contemplated by the Act.

“Contracting Authority” means the municipality together with the Western Cape Government within the context of the GIPTN as constituted by relevant intergovernmental agreements and arrangements.

“Controlled facility” means a public transport facility, for which an access permit is required from the municipality.

“Controlled facility permit” means an access permit issued annually by the municipality to a public transport vehicle that enables access to controlled public transport facilities.

“Controlled public transport facility permit” means a permit issued by the municipality in terms of section 7 to entitle an independent Public Transport Operator to use a controlled facility subject to the payment to the municipality of the appropriate public transport facility permit tariff.

“Driver” means a driver as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

“e-Hailing or electronic Hailing services” mean a public transport service operated by means of a motor vehicle, which is available for hire by hailing or pre-booking electronically while roaming or may stand for hire at a rank and is equipped with an electronic e-hailing technology-enabled application.

“Examiner of vehicles” means an examiner of vehicles appointed in terms of Section 3A of the National Road Traffic Act.

“Fare” means the tariff as prescribed by the municipality for the **GO GEORGE** bus service, which are determined from time to time and reflected in the Municipal Tariffs.

“Gazette” means the Provincial Gazette of the Western Cape.

“GIPTN” means the George Integrated Public Transport Network system duly established through the National Land Transport Act.

“GO GEORGE Vehicle” means any vehicle owned, leased or otherwise contracted by the Contracting Authority for use in or support of providing public transport services in the GIPTN.

“GO GEORGE” means a public transport bus service rendered within the George municipal area as well as certain inter-town services that forms part of the GIPTN public transport function which is implemented by the Contracting Authority.

“Holding area” means a facility where public transport vehicles park while waiting to be called to another facility or area for the loading of passengers.

“Independent public transport operator” means the holder of an operating licence or permit as provided for in the Act and such operator has not been contracted for services under the GIPTN.

“Integrated public transport network” means a system in a particular area that integrates public transport services between modes, with through ticketing and other appropriate mechanisms to provide users of the systems with the optimal solutions to be able to travel from their origins to destinations in a seamless manner.

“Integrated Transport Plan” means the definition as set out in the Act.

“Marshal” means a person appointed by a mini-bus taxi association or a bus association to manage and co-ordinate the flow of vehicles and passengers in a public transport facility.

“Mini-bus taxi” means a motor vehicle designed or modified solely for conveying more than nine but not more than 16 seated persons, including the driver.

“Metered taxi” means a motor vehicle designed for conveying passengers and which is fitted with a taxi meter which records distance travelled or time taken in undertaking a journey.

“Metered taxi service” means a public transport service operated by means of a motor vehicle contemplated in section 66 of the National Land Transport Act, 2009 (Act No. 5 of 2009) which:

- i. is available for hire by hailing while roaming, by telephone or otherwise;
- ii. may stand for hire at a designated rank; and
- iii. is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable, that is calibrated for such fare or complies with any other requirements applicable to such meters.

“Motor vehicle” means any self-propelled vehicle and includes:

- i. A trailer; and
- ii. A vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and motor or motor, but does include –
 - a. Any vehicle propelled by electrical power derived from storage batteries which is controlled by a pedestrian; or
 - b. Any vehicle with a mass not exceeding 230 kilograms and specifically designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect.

“Municipal area” means the geographic area of the jurisdiction of the municipality of George;

“Municipal Manager” means the municipal manager of the municipality of George duly appointed in terms of section 54A of the Municipal Systems Act, or a person acting in that capacity.

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

“Municipal Tariffs” means the tariffs published in terms of the Tariff Policy of the George municipality and in accordance with the Municipal Systems Act.

“Municipality” means the municipality of George established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes—

- a) the Council.
- b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-Law.
- c) the Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law.
- d) the Municipal Manager; and
- e) an authorised employee.

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996).

“National Road Traffic Regulations” means the National Road Traffic Regulations, 2000 made in terms of the National Road Traffic Act.

“Non-motorised transport” means transport by any mode other than a motor vehicle including, but not limited to, walking, cycling and animal drawn vehicles, but for the purposes of this by-law includes cycles, rollerblading, skateboarding, scooters compliant with appropriate standards or wheelchairs assisted by motors of a prescribed type and capacity whereby the speed of the cycles, scooters or wheelchairs is not significantly enhanced.

“Operating licence” means an operating licence as defined in section 1 of the National Land Transport Act, 2009 (Act No. 5 of 2009).

“Park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods but does not include the keeping a vehicle stationary by reason of a cause beyond the control of the person in charge of such a vehicle.

“Passenger” means any person in or on a public transport vehicle who pays for the service of being carried from one place to another, as well as any person in or on public transport that may be exempt from payment because of his or her office or designated functions associated with the management of a subsidised bus service being provided but does not include the driver.

“Persons with disabilities” means all persons whose mobility is restricted by temporary or permanent physical or mental disability, and includes the young, persons with sight or other impairments and persons with a hearing disability or hard of hearing.

“Province” means the Western Cape Government represented by or through its Mobility Department.

“Pedestrian” means anyone travelling on foot, using personal assistive mobility and walking aid devices including walkers, crutches, manual or motorised wheelchairs or mobility scooters, segways or wheeled devices powered by human power, including skateboards or rollerblades or child(novice) cyclists.

“Provincial Regulatory Entity” means the provincial regulatory entity established for the province in terms of section 23 of the Act.

“Public street or road” means any street or road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public, or any section thereof, or to which the public, or any section thereof has a right of access to any land owned by or vesting in the municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough-way for vehicles and pedestrians, and includes:

- a) the verge of any such road, street or thoroughfare.
- b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare, including but not limited to a rank.
- d) open public parking areas.
- e) sidewalks;
- f) those parts of a public place that are travelled parts.
- g) informal trading; and
- h) appropriate and necessary street furniture and infrastructure, including reticulation networks, which does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

“Public transport amenities” means universally accessible facilities that may be established by the municipality and will include but not be limited to ablution facilities,

shelters, seating, safety and security interventions, information and ticketing (including cash-handling facilities) as well as certain commercial opportunities that will be earmarked and identified by the municipality in its discretion from time to time.

“Public transport infrastructure” means transport infrastructure that is used or designed primarily for public transport including public transport amenities.

“Public transport interchange” means a location, on municipal property or that may be located on private property, that accommodates specified types of public transport services and facilitates the interchange of passengers between those modes of transport and associated services.

“Public transport facility” means facilities for the delivery of a public transport service erected within the municipal area and may include amenities at a depot area; a holding area; special parking places; transfer point; terminal; interchange; bus stop; bus transfer point; bus terminal; bus facility; inter-town and long distance bus terminals; bus depot; long distance mini-bus taxi rank; metered taxi rank; public transport interchange; holding area and any other facility that may be specifically identified and designed by the municipality for the exclusive use of public transport vehicles.

“Public transport facility permit tariff” means a tariff determined by the municipality from time to time and is included in the municipality’s tariffs.

“Public transport service” means a scheduled or unscheduled service for the carriage of passengers by road, within or outside the municipal area, for a fare or any other consideration or reward.

“Public transport vehicle” means any bus, minibus, metered taxi or motor vehicle conveying members of the public for a tariff or any other consideration or reward within the municipal area including any accessible bus or minibus contracted by the municipality to provide contracted public transport services.

“Rank” in relation to a taxi, means:

- i. a public transport interchange or place on a public road from which a taxi is authorised to ply for hire or convey and drop off passengers for reward; and
- ii. any place designated or demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign.

“Rank token” means a disc visibly displayed on a vehicle indicating that the public transport operator has obtained a valid permit for access to a public transport facility as determined by the municipality.

“SANRAL” means the South African National Roads Agency SOC Limited.

“Scheduled service” means a public transport service operated by road on a particular route or routes in accordance with a timetable.

“Service dog” means a guide dog to assist persons with visual impairments, a service dog that assists a person with physical disabilities, or an autism support dog that assists a child with autism or any other certified / accredited animal.

“Stopping point” means a location within the municipal area that is demarcated as an area where public transport vehicles stop for boarding and alighting purposes.

“Targeted categories of passengers” means:

- i. persons with disabilities, and
- ii. the elderly, pregnant women, scholars, young children and those limited in their movement by children.

“Taxi” means a minibus taxi or a metered taxi.

“Ticket” means any form of authorised proof, be it paper or electronic, indicating that a passenger has paid for and/or is authorised to make use of a public transport vehicle for a trip.

“Timetable” means a published document informing passengers of headways (intervals between departures or the passing of vehicles), or times when, and where, public transport services are available, indicating at least origin and destination points and significant intermediate locations along the route.

“Transfer point” means that point that has been determined as a location within the municipal area where passengers or users of public transport services may transfer within the public transport system between routes.

“Universal access” means the ability of all people to have equal opportunities and access to public transport services, systems and environments.

“Unscheduled service” means a public transport service operated by road on a particular route or routes, or, where applicable, within a particular area, without a timetable.

2. PRINCIPLES AND OBJECTIVES

The principles and objectives of this By-law are to:-

- 2.1. Provide a regulatory framework for the public transport service provided within the municipal area, subject to and in addition to the Act and other legislation, and to provide for ancillary aspects such as a framework for safety and security in relation to public transport.
- 2.2. Ensure that the provision of public transport services within the municipal area are provided for and executed in a safe and secure environment that is regulated and managed appropriately.
- 2.3. Control and regulate the use of public transport facilities for public transport services and their operations.

- 2.4. Promote the effective and efficient operation of public transport that serves the travelling public within the municipal area.
- 2.5. Provide for the promotion of non-motorised transport in support of public transport infrastructure and operations, and
- 2.6. Provide for the promotion of universal access, to the maximum extent possible, in the provision of public transport infrastructure, support infrastructure and services provided.

3. APPLICATION OF THE BY-LAW

This By-Law applies to the delivery of public transport services including the promotion of non-motorised transport and universal access within the George municipality.

Where any activity contemplated in this By-Law involves a road under the jurisdiction of SANRAL or the Province, the relevant legislation and/or regulations applicable to those roads, the governing legislation and/or regulation thereto shall be applicable.

4. PARKING OF METERED TAXIS, MINIBUS TAXIS, MIDIBUSES AND BUSES

No person may park a metered taxi, minibus, midi-bus or bus on any public road for the purpose of providing a public transport service, except in an exclusive parking bay marked by a road traffic sign prescribed in terms of the National Road Traffic Act for that vehicle.

5. ESTABLISHMENT OF PUBLIC TRANSPORT FACILITIES

- 5.1. The municipality may:
 - 5.1.1. establish, or cause to be established, public transport facilities (inclusive of controlled facilities) on municipal or any other property, subject to mutual agreement, for the exclusive use of public transport vehicles, which have been authorised and zoned in terms of the George Integrated Zoning Scheme By-Law, as amended from time to time, as well as approved overlay zones, for such use by the respective or appropriate authority.
 - 5.1.2. extend, reduce or de-establish any such public transport facility.
 - 5.1.3. in the event of emergencies, or in order to accommodate special events, set aside and establish temporary public transport facilities.
- 5.2. The municipality must publish a notice as contemplated in section 21 of the Municipal Systems Act for public comment where such public transport facilities are demarcated as: -
 - 5.2.1. A bus terminus for the exclusive use of GO GEORGE buses.
 - 5.2.2. A bus terminus for the exclusive use of long-distance, inter-town services or inter-provincial services.
 - 5.2.3. A minibus taxi rank, including but not limited to use of long-distance mini-bus services.

- 5.2.4. A stopping point, including but not limited to, long-distance mini-bus taxis.
- 5.2.5. A holding area for mini-bus taxis.
- 5.2.6. A taxi rank for metered taxis.
- 5.2.7. A public transport interchange, and
- 5.2.8. Any combination of the above type of services.
- 5.3. The municipality may determine that the use of any, some or all public transport facilities is governed and managed through an appropriate controlled facility access permit system and may impose a public transport facility permit tariff on operators for the use of such a controlled facility.
- 5.4. Tariffs that are imposed in terms of subsection 5.3 above, must, to the extent possible, be determined on the basis of covering the direct operational and maintenance costs associated with the facility concerned, with annual increases applied that are inflation adjusted.
- 5.5. Where the municipality establishes a public transport facility, the municipality may provide public transport amenities where appropriate.
- 5.6. The municipality may, subject to the provisions of applicable national legislation, and any applicable municipal by-laws, provide facilities for trading within or at specified public transport facilities.
- 5.7. The municipality must maintain a current schedule of all public transport facilities on municipal properties within the municipal area, and any public transport facilities located on properties owned or controlled by state owned entities within the municipal area and make such a list available, on request, to interested parties at a prescribed tariff.
- 5.8. Public transport facilities contemplated in subsection 5.1 may be established and demarcated for the exclusive use of public transport vehicles or services of special types or that operate on specified routes or operators that belong to a particular association or operate a particular type of service or vehicle.
- 5.9. Notwithstanding other condition of use of the public transport facilities or system, the municipality may from time to time impose and update conditions of use of the GO GEORGE related facilities and/or system, as contained in Schedule 1 "Rules of Carriage" to this bylaw.

6. APPLICATION FOR A PERMIT TO USE A PUBLIC TRANSPORT FACILITY BY AN INDEPENDENT PUBLIC TRANSPORT OPERATOR

- 6.1. No Independent Public Transport Operator may access or use a controlled facility provided by the municipality without holding a controlled public transport facility permit issued by the municipality, which permit must be renewed annually, and the cost of such permit will be included in the municipality's tariffs.
- 6.2. An Independent Public Transport Operator must apply to the municipality for such a controlled public transport facility permit by completing an application form provided by the municipality and lodge the completed form with the

municipality by hand or by electronic mail at the place or address as directed by the municipality.

- 6.3. The municipality reserves the right to refuse to grant an application for a controlled public transport facility permit if there is insufficient ranking space available in the controlled facility.

7 METERED TAXIS - METERED TAXI METERS AND DISPLAY OF IDENTIFICATION

- 7.1. No person may operate a metered taxi, or allow one to be operated, unless it is fitted with a taxi meter which:

- a. Is in working order, and
- b. Complies with this By-Law.

7.2 Position of the meter

The meter must be-

- a. Fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat, and
- b. Illuminated after dark.

7.3 Operation of the Meter

- a. The taxi meter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the metered taxi or from another portion of the mechanism that may be approved by the municipality.
- b. The driver of the metered taxi must ensure that the taxi meter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff displayed on the taxi.

7.4 Starting the Meter

The driver of the metered taxi must-

- a. On arrival at the passenger's departure point, and not sooner, start the taxi meter in the "hired" position.
- b. On arrival at the passenger's destination, and not later, immediately stop the taxi meter from recording, and
- c. Stop the taxi meter from recording for the duration of the stoppage if the stoppage is not caused by traffic congestions, or by the action of the passenger, or at the request of the passenger.

7.5 Meter seals to be kept intact.

- a. The owner of a metered taxi must, at all times ensure that the meter seal is kept intact and undamaged.
- b. If the seal or seals of a taxi meter are accidentally broken or damaged, the driver of the taxi must immediately, before the taxi is again used as a passenger-carrying vehicle, apply to the municipality to replace or renew the seal or seals.

7.6 Meter tolerances

The tolerance allowed on a taxi meter, when tested, is as follows:

- a. Road test: no tolerance deficiency or over-registration is allowed, but if the vehicles tyres are obviously worn, a tolerance in deficiency of 10 meters kilometre and tolerance of in excess of 50 meters per kilometre are allowed, and
- b. Time test: a tolerance in deficiency of one second per minute and a tolerance in excess of two seconds per minutes are allowed.

7.7 Interference with the meter prohibited.

- a. No person may –
 - i. Register anything other than the fare that is in accordance with the displayed tariff.
 - ii. Destroy, break or tamper with the seal attached to a taxi meter, or
 - iii. Adjust, interfere or tamper with a meter or a connection of a taxi meter, any tyre or fitting of a taxi.
- b. No driver or owner of a metered taxi may allow the taxi to be used as a passenger-carrying vehicle if the –
 - i. Taxi meter attached to it does not register the true fare, or
 - ii. Tyres fitted to the metered taxi are not the same size as those which were on the vehicle when the taxi meter was tested and sealed.

7.8 The driver or owner of a metered taxi must-

- a. Ensure that the taxi is fitted with a speedometer and an odometer, both of which are in good and proper working order, and that the odometer reflects the true distance travelled, and
- b. Not operate or allow the metered taxi to be operated unless the odometer and speedometer fitted to it works properly–

- 7.9 Testing of Taxi Meters – an authorised official may by written notice, instruct the owner or driver of a metered taxi to present the taxi concerned to a designated municipal facility for examination and testing of the taxi meter at a time and place specified in the notice.
- 7.10 Charge for testing meters-
- a. if a taxi meter attached to a metered taxi is found not to be in order or not working satisfactorily, the municipality may condemn the taxi meter and remove the seal.
 - b. No person may use a condemned taxi meter in a metered taxi until the taxi meter has been retested, approved, and sealed by an examiner of vehicles.
- 7.11 Taxi signs for metered taxis
- a. A metered taxi that is operated within the jurisdiction of the municipality must be fitted with a suitable illuminated roof sign in accordance with the municipality's requirements.
 - b. The illuminated sign must be properly maintained at all times.

8. USE OF A PUBLIC TRANSPORT FACILITY BY TAXIS

- 8.1. The driver of taxi must, when plying for hire at a rank, do so in a queue and must—
- 8.1.1. position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front in the lane for which he or she has the route authority; and
 - 8.1.2. move his or her vehicle forward as the queue moves forward.
- 8.2. When plying for hire at a rank, a driver—
- 8.2.1. of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her vehicle so long as it remains in such a position.
 - 8.2.2. may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
 - 8.2.3. may, if his or her vehicle is the first taxi in the queue, and any person calls for a public transport service, respond to the call, unless the person clearly indicates his or her preference for another taxi not in front of the queue.
- 8.3. No person may park or stop a vehicle which is not in good working order as required by the Act, in a rank, or cause or permit the vehicle to remain in a rank.

- 8.4. No person may park or stop any vehicle in a rank except a taxi for which a rank token, specifying the rank, has been issued for the period in question, which will specify the period or duration that such person may be allowed to park or stop.

9. USE OF PUBLIC TRANSPORT FACILITIES DESIGNATED FOR USE BY THE CONTRACTED OPERATOR OR OPERATORS (GO GEORGE BUS SERVICE)

The right of use of public transport facilities associated with the GO GEORGE bus service shall only be exercised by an operator that has been contracted by the Contracting Authority, and the use shall be determined by way of an agreement with such operator.

10. CONTROLLED PUBLIC TRANSPORT FACILITY RULES

- 10.1. The municipality may-
- 10.1.1. When establishing a public transport facility, make rules regarding the operation of that facility; and
- 10.1.2. At any time thereafter amend or replace those rules.

11. CONTROLLED PUBLIC TRANSPORT FACILITY PERMIT TARIFFS

- 11.1. The municipality is entitled, from time to time, to fix the amount of the application tariff, the annual public transport facility permit tariff and the duplicate tariff, which tariff will be applied in the case where duplicate documents have to be issued for the public transport facility permit, and which will be reflected in the municipality's Tariffs.
- 11.2. The municipality is entitled to charge any—
- 11.2.1. Independent public transport facility permit-holder an annual public transport facility permit tariff; and
- 11.2.2. Person or entity that applies for a duplicate public transport facility permit or disc, a duplicate tariff.
- 11.3. If a public transport facility permit is issued part way through a municipal financial year, then the annual public transport facility permit tariff will be reduced proportionately.

12. RIGHTS OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMIT HOLDERS

- 12.1. A controlled public transport facility permit entitles an independent operator to enter a controlled public transport facility in the public transport vehicle referred to in the public transport facility permit and on the accompanying disc.
- 12.2. A public transport vehicle owner or operator may not enter or park at a controlled public transport facility in any motor vehicle other than the vehicle referred to in his or her controlled public transport facility permit and disc.

13. AMENDMENT OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMITS

- 13.1. Where the holder of a controlled public transport facility permit becomes aware that the particulars on that permit are incorrect, he or she must submit

the permit to the municipality for amendment within 10 (ten) calendar days of this coming to his or her notice for issuing of a correct permit.

- 13.2. If the municipality becomes aware that the information contained in a controlled public transport facility permit is incorrect, the municipality may, despite anything to the contrary in these By-Laws: –
- 13.2.1. notify the holder in writing.
 - 13.2.2. where applicable, require the holder to give a satisfactory explanation; and
 - 13.2.3. require the holder to return the permit for amendment not later than 10 (ten) calendar days after the date of the notification.
- 13.3. A notice referred to in subsection 13.2 that is posted to the holder by registered post is deemed to have been received by him or her 10 (ten) calendar days after the official date of posting of the item.
- 13.4. When a controlled public transport facility permit is surrendered for it to be amended or replaced in terms of this section, the municipality must provide the holder with a temporary permit, which is valid until the amended permit is returned to the holder, or the permit has been suspended or withdrawn as per Section 14.
- 13.5. Where a holder fails to submit a permit to the municipality as required by this section within the required time, the permit concerned will lapse, but the holder may apply to the municipality for a new permit subject to submitting the lapsed permit to the municipality.

14. SUSPENSION AND/OR WITHDRAWAL OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMIT

- 14.1. The municipality may suspend a controlled public transport facility permit for a period determined by it or withdraw the permit if the holder does not comply with–
- 14.1.1. the provisions of the By-Law; or
 - 14.1.2. the conditions of the permit; or
 - 14.1.3. an authorised official inspects the vehicle and finds that it–
 - a. is constructed or has been adapted in such a way or is in such a condition that it is unsafe for the carrying of passengers; or
 - b. does not comply with the By-Law, the Act or the National Road Traffic Act.
- 14.2. Before acting under subsection 14.1, the municipality must notify the holder by registered post or e-mail of the proposed action and allow the holder not fewer than 14 calendar days to provide reasons why the permit should not be withdrawn or suspended.

- 14.3. The municipality must consider any reasons provided by the holder before deciding to withdraw or suspend the permit.
- 14.4. Where the municipality has acted in terms of subsection 14.1, the municipality must report the matter to the Provincial Regulatory Entity where appropriate and in the discretion of the municipality.
- 14.5. A person may not use a motor vehicle as a public transport vehicle in or at a controlled public transport facility or allow it to be so used while the permit has been suspended or withdrawn.

15. PROHIBITION ON THE FORGING OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMITS

- 15.1. No person may forge, imitate, deface, mutilate, alter or make a mark upon, a controlled public transport facility permit.
- 15.2. No person may use or allow a vehicle to be used as a public transport vehicle at a controlled public transport facility if the controlled public transport facility permit of such public transport vehicle has been suspended or withdrawn or has expired.
- 15.3. If an operating licence has been suspended, cancelled or withdrawn by the relevant licensing authority, the public transport facility permit issued by the municipality is automatically suspended, cancelled or withdrawn, as the case may be.

16. RENEWAL OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMITS

- 16.1. The holder of a controlled public transport facility permit must apply for the renewal of the permit not later than 14 (fourteen) calendar days before the permit expires, failing which the permit will expire, but the holder will then not be prevented from applying for a new permit.
- 16.2. The municipality may refuse an application for renewal of a controlled public transport facility permit if there is insufficient space in the facility concerned.
- 16.3. Issuing of a controlled public transport facility permit.
 - 16.3.1. When the municipality grants an application for a controlled facility permit, it must issue the permit to the operator together with a decal specific to the permit.
 - 16.3.2. No public transport vehicle may enter or use a controlled facility unless the vehicle displays the decal issued with the controlled facility permit or issued to replace the decal.
 - 16.3.3. The operator must ensure that the original controlled facility permit is kept in the vehicle to which it relates at all times while the vehicle is being operated in the municipal area.

17. RETURN OF CONTROLLED PUBLIC TRANSPORT FACILITY PERMITS

- 17.1. A public transport facility permit-holder must immediately remove his or her permit from his or her vehicle, if the –
- 17.1.1. municipality suspends or withdraws the permit.
 - 17.1.2. The permit-holder is refused permission to transfer the permit, which transfer process itself is governed and regulated by the Act.
 - 17.1.3. The permit-holder ceases trading for a period of 25 (twenty-five) calendar days
 - 17.1.4. The permit-holder no longer wishes to operate a public transport vehicle from the controlled public transport facility.

18. TRANSFER OF A CONTROLLED FACILITY PERMIT

- 18.1. Subject to this By-law a controlled facility permit is not transferable to another person where-
- 18.1.1. The holder of the controlled facility permit is deceased.
 - 18.1.2. The estate of such holder is provisionally or finally sequestrated.
 - 18.1.3. Such holder is a company or a close corporation which is being liquidated, or
 - 18.1.4. Such holder becomes in any way incapable in law of carrying on business.
- 18.2. The executor, trustee, liquidator, or curator of the holder, as the case may be, must notify the municipality within 10 days of being appointed as executor, trustee, liquidator or curator of the event and may, on payment of the transfer fee determined by the municipality, carry on the use of the vehicle to which the controlled facility permit relates for the unexpired period of that permit.

19. USE OF A CONTROLLED PUBLIC TRANSPORT FACILITY

- 19.1. The municipality will not be liable for loss or damage to any public transport vehicle, however caused, or any accessories or contents of that vehicle while it is stopped, parked or driven in a controlled public transport facility, nor for any loss or damage to the property of passengers using the controlled public transport facility.
- 19.2. Persons using such public transport facilities must heed any, and all, traffic signs and other signs erected by the municipality within the facility.
- 19.2.1. No-one in a controlled public transport facility may –
 - 19.2.2. Trade or carry on a business except in terms of any licences granted by the municipality or agreements entered into.
 - 19.2.3. Wash a vehicle except at a washing bay specifically demarcated for that purpose.

- 19.2.4. Repair, maintain or service a vehicle except in areas specifically demarcated for that purpose.
- 19.2.5. Drive a vehicle in a manner that endangers other persons or property, and/ or
- 19.2.6. Tamper with any vehicle, or property, whether moveable or immoveable.

20. ELECTRONIC HAILING SERVICES

- 20.1. Where vehicles are hailed or pre-booked electronically using an e-hailing technology-enabled application—
 - 20.1.1. the regulatory entity granting an operating licence for such service may specify the area for the picking-up of passengers.
 - 20.1.2. vehicles may not operate an e-hailing service where the application for the vehicle is not working properly.
- 20.2. The e-hailing or technology-enabled application must—
 - 20.2.1. have the facility to estimate fares and distances, taking into account distance and time, and must communicate the estimate to passengers in advance electronically.
 - 20.2.2. communicate the final fare to the passenger or passengers at the conclusion of the trip electronically, and
 - 20.2.3. provide the prescribed details of the driver of the vehicle to the passenger or passengers electronically.
- 20.3. The operating licence may authorise the use of more than one service or type of service as contemplated in section 5(2): Provided that the operator and the vehicle comply with the requirements of the Act relating to such services.
- 20.4. Where a person conducts a business providing an e-hailing software application, that person—
 - 20.4.1. may not permit an operator to use that application for a vehicle for which the operator does not hold a valid operating licence or permit for the vehicle, or whose operating licence or permit has lapsed or been cancelled, and
 - 20.4.2. must disconnect the e-hailing application forthwith and keep it disconnected until a valid operating licence has been obtained for the vehicle.
- 20.5. An e-hailing vehicle operating in the municipal jurisdiction must display a tag in the prescribed form and on the front and rear windows of the vehicle at all times the vehicle is plying to hire passengers for reward.
- 20.6. An e-hailing vehicle may only be driven by a driver who is a holder of a valid operating licence, which must be displayed on the front window of the vehicle.

21. PUBLIC TRANSPORT FACILITIES

- 21.1. These facilities are public transport facilities at locations, on municipal property, that accommodate specified types of public transport services and facilitate the interchange of passengers between various public transport services.
- 21.2. The municipality reserves the right to declare facilities within the municipal area as public transport interchange facilities, where required and necessary, which facilities will be reflected in the approved Integrated Transport Plan.
- 21.3. Persons using the facility must heed any, and all, statutory or regulatory signs and other discretionary signs erected by the municipality within the facility to facilitate the safety of users.
- 21.4. The municipality reserves the right to erect CCTV cameras within the boundaries of a public transport facility subject to privacy laws and to retain images obtained from such CCTV coverage for future lawful use.

22. GO GEORGE BUS STOPS

- 22.1. The bus stops are demarcated only for the use of the GO GEORGE vehicles and no other vehicles and/or public transport vehicles may use this location at any point or time.
- 22.2. Such bus stops include the bus box, boarding platform, bus stop functional area, and bus stop shelters, where applicable.
- 22.3. Where the road has a permanent surface, the bus stop sign should be supplemented by the exclusive bay road marking that imposes a mandatory requirement upon drivers not to park or stop their vehicles within the area of the bay unless their vehicle is of the class indicated by letter(s) in the supplementary road marking.

23. BOARDING AND ALIGHTING FROM PUBLIC TRANSPORT VEHICLES

- 23.1. No person may board or alight from a moving public transport vehicle.
- 23.2. Boarding on and alighting from a public transport vehicle may only take place at a designated public transport facility, except under emergency situations or under the direction of an authorised official or the driver.

24. QUEUING AT PUBLIC TRANSPORT FACILITIES

- 24.1. The municipality may, at a public transport facility, erect –
 - 24.1.1. queue signs or notice boards indicating the location and the manner in which persons waiting to enter a public transport vehicle must stop and form a queue; and
 - 24.1.2. rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.

- 24.2. All passengers intending to enter any public transport vehicle at a public transport facility must queue from the point at which it is indicated that such public transport vehicle will leave.
- 24.3. Where no queue sign has been erected, passengers waiting to enter a public transport vehicle at a public transport facility must form themselves into a single file queue when required to do so by an authorised official.
- 24.4. A passenger may only enter a public transport vehicle at a public transport facility when he or she gets to the front of the queue.

25. BEHAVIOUR OF DRIVERS OR PUBLIC TRANSPORT OPERATORS

- 25.1. No driver of a public transport vehicle, or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other public transport vehicle or prevent or seek to prevent the driver of such other public transport vehicle from obtaining or conveying a passenger or a load.
- 25.2. The driver or any operator of a public transport vehicle may not use a hooter or sounding device to attract the custom of potential passengers or customers.

26. PAYMENT OF GO GEORGE FARES

A passenger must pay the determined fare for the journey on request, which is determined within the municipal tariffs, and which is clearly communicated to members of the public within the municipal area.

27. FAILING OR REFUSING TO PAY OR ATTEMPTING TO EVADE PAYMENT OF GO GEORGE FARE DUE

No person making use of the **GO GEORGE** service may fail to pay, or refuse to pay for, or evade the payment of, any fare due.

28. FURNISHING OF NAME AND ADDRESS TO AUTHORISED OFFICIAL

- 28.1. Any person hiring, or conveyed in or on, a public transport vehicle, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.
- 28.2. Any person, who fails to comply with section 28.1 above will make him- or herself guilty of an offence and shall be subject to forced removal.

29. CONVEYANCE OF INTOXICATED PASSENGERS OR PROHIBITED ITEM

- 29.1. A driver of a public transport vehicle may refuse to convey or carry –
 - 29.1.1. any person who is obviously intoxicated or under the influence of alcohol or other intoxicating substances; or
 - 29.1.2. any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.
- 29.2. No person under the influence of liquor or drugs shall enter upon or use any public transport vehicles and facilities or other premises intended for the

convenience or use of persons travelling or intending to travel, and may be, immediately be removed from such vehicle and any such person found in or upon any public vehicle shall, in addition to incurring any penalty, forfeit his or her fare.

- 29.3. No person referred to in subsections 29.1 and 29.2 may remain in or upon such public transport vehicle, after having been requested by the driver or authorised official to leave the said vehicle.

30. ASSISTED TRAVEL WITH SERVICE DOGS

- 30.1. Three types of service dogs are recognised for travel on GO GEORGE public transport vehicles:
- 30.1.1. Guide dog—to guide passengers with sight impairments.
- 30.1.2. Hearing dog—to assist persons with hearing impairments; and
- 30.1.3. Service dog—to do work for persons with disabilities other than sight impairments or hearing impairments.

31. PROPERTY LEFT IN A PUBLIC TRANSPORT VEHICLE

The municipality will not be responsible or held liable for any property or possessions that may be left in any public transport vehicle.

32. CONVEYING DANGEROUS OR OFFENSIVE ARTICLES ON PUBLIC TRANSPORT VEHICLES

- 32.1. No person may carry or discharge a firearm, airgun or air-pistol of any kind on any public transport vehicle, except where specifically authorised to do so in terms of legislation in the course and scope of performing their duties.
- 32.2. No explosive, incendiary device, object or instrument which may be employed to cause bodily harm to a person or render a person temporarily paralysed or unconscious or that will cause damage to property is permitted on any public transport vehicle.
- 32.3. An authorised official has the right to remove dangerous or flammable materials and/or passengers from the public transport vehicle without compensation to ensure the safety of both the passengers and the public transport vehicle.

33. ACTIONS PROHIBITED ON PUBLIC TRANSPORT VEHICLES

- 33.1. Smoking on public transport vehicles
- a. In terms of the Tobacco Products and Control Act, no smoking is permitted.
- b. The use of e-cigarettes or other types of imitation smoking devices are not permitted to be used.
- 33.2. Crime

The municipality has a zero-tolerance policy with respect to any crime on public transport. Any crime associated will be prosecuted to the full extent of the law.

33.2.1. No person may:

- a. be obscene, offensive, insulting, abusive, quarrelsome, obstructive, destructive, intoxicated, rowdy, disorderly, filthy, contaminated, dangerous, threatening or disturbing to the public peace in manner, actions or appearance.
- b. perform any act that could cause injury or endanger the life of any person or cause damage to any property.
- c. Interfere in any way with the comfort and / or convenience of other passengers.
- d. Begging for money, donations or employment.
- e. Failing to store permitted luggage or other items in the correct manner and place.
- f. Soiling, littering in or damaging public transport vehicles.
- g. Spitting within or from public transport vehicles.
- h. Defacing any public transport vehicles by, amongst others, writing, drawing, painting or fixing anything to a vehicle controlled public transport premises or property belonging to another person.
- i. Playing of loud music or instruments.
- j. Talking or singing loudly so as to be disturbing to fellow passengers.
- k. Lean out of, throw anything from or stick anything out of public transport vehicle window.
- l. Obstruct or interfere in any way with the driver of a public transport vehicle in the performance of their duties.

33.3. Damage, injure, tamper with, interfere with or threaten to damage, injure or tamper with the public transport vehicle or any person on it or interfere with the property of any other passenger.

34. EXEMPTIONS

The municipality may, from time to time, on such conditions as it may determine, grant exemptions from the provisions of this By-Law.

35. LONG DISTANCE SERVICES

35.1. Stopping places –

- 35.1.1. No driver of a bus or a minibus-taxi used for the purpose of long-distance services may stop for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Municipality.

- 35.1.2. A passenger may only enter or alight from a bus or minibus-taxi at a stopping place designated by the municipality.

36. POWERS OF AUTHORISED OFFICIAL

- 36.1. An authorised official may–
- 36.1.1. exercise any powers or perform any duty conferred on an authorised official by the Act, the National Road Traffic Act, these By-Laws or any other legislation to enforce the By-Law.
 - 36.1.2. where reasonable and justifiable cause is shown in the execution of the official's duties request any passenger in a public transport vehicle to supply his or her full name and address, and the origin and destination of the relevant journey; and
 - 36.1.3. request any driver of such a vehicle to–
 - a. supply his or her full names and address, the name and particulars of the operator of the vehicle and the origin and destination of the journey being undertaken or to be undertaken; and/ or
 - b. produce for inspection the applicable operating licence, where applicable, controlled public transport facility permit; and/or
 - c. remove from a public transport vehicle or from any facility a person who is not entitled to be there in terms of this By-Law or any other law, or whom the official suspects of having committed an offence or being about to commit an offence.
- 36.2. An authorised official may request a passenger in or about to board a GO GEORGE vehicle to show his or her ticket for the trip in question and may where that person is not in possession of a valid ticket–
- 36.2.1. evict that person from such vehicle; or
 - 36.2.2. prevent that person from entering the relevant vehicle; and
 - 36.2.3. may where appropriate request that person to supply his or her name, address and other particulars necessary to prosecute him or her.
- 36.3. Drivers and operators of public transport vehicles must obey the instructions and directions of authorised officials while operating on public roads or in facilities in the municipal areas and must obey the directions and instructions of marshals in facilities.
- 36.4. A person requested to supply information or produce a document or ticket or is directed to leave or not to enter a GO GEORGE vehicle must comply with the request or direction forthwith.

- 36.5. Anyone who hinders or interferes with an authorised official or marshal in the execution of his or her duties or fails to comply with a lawful direction issued by such a person, commits an offence.

37. CODES OF CONDUCT, PASSENGER CHARTERS AND OTHER ASSOCIATED POLICIES

- 37.1. The municipality may develop codes of conduct for operators, drivers and passengers.
- 37.2. The persons to whom such a code of conduct applies must comply with the relevant provisions of the code of conduct.

38. OFFENCES AND PENALTIES

Any person who contravenes any provision of the By-Law commits an offence and shall be liable to a fine, or in default of payment and after conviction, to imprisonment without the option of a fine, or to both such fine and imprisonment, or in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment, as detailed in this bylaw .

- 38.1. It is an offence to-
- 38.1.1. supply false information to an authorised official in respect of any matter pertaining to this by-law; or
 - 38.1.2. to refuse to co-operate with the request or instruction of an authorised official made in terms of this by-law.
- 38.2. Failure to comply with a notice, direction or instruction referred to in this by-law, constitutes a continuing offence.
- 38.3. In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:
- 38.3.1. to remedy the harm cause
 - 38.3.2. to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgement.

39. APPEALS

A person whose rights are affected by a decision taken under a delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 (twenty-one) calendar days of the date of the notification of the decision.

40. REVOCATION OF BY-LAWS

- 40.1. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this By-Law.

41. SHORT TITLE AND COMMENCEMENT

This By-Law is called the Public Transport By-Law, 2023 and will come into operation on the date of publication in the Gazette, but the municipality may determine by notice in that Gazette that any provision of these By-Law will come into operation at a later date.

GEORGE MUNICIPALITY

WATER AND SANITATION BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.11, resolved to pass the Water and Sanitation By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

WATER AND SANITATION BT-LAW

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CHAPTER I: GENERAL PROVISIONS

Part 1: Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act, 1996 (Act No 108 of 1996), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) shall bear the same meaning in these by-laws and unless the context indicates otherwise. Any reference to the gender will automatically be deemed to refer to the other gender as well i.e. he/she; his/hers

1. Definitions

(1) In these regulations, unless the context otherwise indicates —

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

“account” means an account rendered for municipal services provided;

“Act” means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

“agreement” means the contractual relationship between the municipality and a customer, whether written or deemed as provided for in the municipality’s by-laws relating to credit control and debt collection;

“approved” means approved by an authorised officer;

“area of supply” means any area within or partly within the area of jurisdiction of the municipality to which a water service is provided;

“authorised agent” means—

- (a) any person authorised by the municipality to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;
- (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or
- (c) any person appointed by the municipality in a written contract as a service provider for the provision of water services to customers on its behalf, to the extent authorised in such contract;

“average consumption” means the average consumption of a customer of a municipal service during a specific period, and is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

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

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“charges” means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

“cleaning eye” means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

“combined installation” means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

“commercial customer” means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers;

“communal water services work” means a consumer connection through which water services are supplied to more than one person;

“connecting point” means the point at which the drainage installation joins the connecting sewer;

“connecting sewer” means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;

“connection” means the point at which a customer gains access to water services;

“connection pipe” means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SANS 0252 Part I;

“conservancy tank” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

“Council” means the council of the George Municipality;

“customer” means a person with whom the municipality has concluded an agreement for the provision of a municipal service as provided for in the municipality’s by-laws relating to credit control and debt collection;

“determined” means determined by the Municipality or by any person who makes a determination in terms of these laws;

“domestic consumer” means a customer using water for domestic purposes;

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

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

“drainage installation” means a system situated on any premises and vested in the owner thereof and is used for, or intended to be used for, or in connection with

the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of, or ancillary to such systems;

“drainage work” includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

“DWAF” means the Department of Water Affairs and Forestry

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

“duly qualified sampler” means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;

“effluent” means any liquid, whether or not containing matter in solution or suspension;

“Engineer” means the Director: Civil Engineering Services of the municipality, or any other person authorised to act on his behalf;

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

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

“estimated consumption” means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of water services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

“fire installation” means a potable water installation that conveys water for firefighting purposes only;

“fixed quantity water delivery system” means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

“flood level (1 in 50 year)” means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

“flood plain (1 in 50 year)” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

“french drain” means a soil soak away for the disposal of sewage and Effluent from a septic tank;

“grey water” means waste water resulting from the use of water for domestic purposes but does not include human excreta or any other solid matter

“high strength sewage” means sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

“household” means a family unit, as determined by the municipality as constituting a traditional household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

“illegal connection” means a connection to any system, by means of which water or sanitation services are provided that is not authorised or approved by the municipality;

“industrial effluent” shall mean all effluents which are not domestic effluent: Without limiting this definition, they shall include effluents from all trade, commercial, manufacturing of food processing processes, commercial laundries, dispensaries, hospitals, laboratories, mortuaries, garages, abattoirs and the like;

“industrial purposes” means in relation to the supply of water, means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993); and includes but is not limited to, for the purpose of the by-laws businesses; restaurants; home based industries or services but exclude normal domestic effluents;

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

“interest” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);

“manhole” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“main” means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer or sewage from a consumer;

“measuring device” means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

“meter” means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it;

“municipality” means—

- (a) George Municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
- (c) an authorised agent of the George Municipality

“municipal council” means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“municipal manager” means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 54A of the Local Government Municipal Systems Act, 32 of 2000 and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

“municipal services” means, for purposes of these by-laws, services provided by a municipality and includes water supply, sanitation, and sewerage;

“occupier” means a person who occupies any (or part of any) land, building, structure or premises and includes a person who, for someone else's reward or remuneration allows another person to use or occupy any (or any part of any) land, building structure or premises;

“on-site sanitation services” means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

“owner” means—

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to—
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or

(ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

(iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“person” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“plumber” means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No 56 of 1981) or such other qualification as may be required under national legislation;

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful—
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

“premises” means any piece of land, the external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority;

“prescribed tariff or charge or charge” means a charge prescribed by the municipality;

“professional engineer” means a person registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000) as a professional engineer, and includes a professional technologist and professional technician;

“public notice” means publication in the media including one or more of the following:

- (a) Publication of a notice, in the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the Municipality;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or

- (iii) on the official website of the municipality;
- (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) Displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) Communication with customers through public meetings and ward committee meetings;

“public water” means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

“SANS” means the South African National Standard;

“sanitation services” has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

“sanitation system” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;

“sea outfalls” means the discharge of effluent directly into the sea;

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

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

“shared consumption” means the consumption by a customer of a municipal service during a specific period, that is calculated by dividing the total metered consumption of that municipal service in the supply zone where the customer's premises are situated for the same period by the number of customers within the supply zone, during that period;

“sewage” means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

“sewage disposal system” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;

“sewer” means any pipe or conduit which is the property of, or is vested in, the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“standpipe” means a connection through which water supply services are supplied to more than one person;

“standard domestic effluent” shall mean the effluent arising from the normal and usual household usage of residential properties and discharged from lavatory pans, urinals, baths, kitchen sinks and household laundries. It shall without limiting this definition include the effluent from the normal single residential household, blocks of flats, school hostels, residential boarding houses, hotels, cafeterias, canteens and similar discharges;

“storm water” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

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

“trade premises” means premises upon which industrial effluent is produced;

“trap” means a pipe fitting or portion of a sanitary appliance designed to retain a water seal that serves as a barrier against the flow of foul air or gas, in position;

“unauthorised service” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, or approved by, the municipality;

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

“water installation” means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;

“water services” means water supply services and sanitation services and has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

“water services intermediaries” has the same meaning as that assigned to it in terms of the Act;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

“wet industry” means an industry which discharges industrial effluent; and

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

CHAPTER 2: APPLICATION, PAYMENT & TERMINATION

Part 1: Application For Water Services

1. Application for water services

- (a) No person shall be provided with access to water services unless application has been made to, and approved by, the Municipality on the form prescribed in terms of the municipality's by-laws relating to credit control and debt collection.
- (b) Water services rendered to a customer by the municipality are subject to the municipality's by-laws relating to credit control and debt collection, these by-laws and the conditions contained in the relevant agreement.

2. Special Agreements for Water Services

The municipality may enter into a special agreement for the provision of water services with an applicant in accordance with the municipality's by-laws relating to credit control and debt collection.

3. Change in Purpose for which Water Services are used

Where the purpose for, or extent to which, any municipal service is changed, the customer must promptly advise the municipality of the change and enter into a new agreement with the Municipality.

Part 2: Charges

4. Prescribed Charges for Water Services

- (1) All applicable charges payable in respect of water services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with—
 - (a) Its Rates and Tariff policy;
 - (b) Any by-laws in respect thereof; and
 - (c) Any regulations in terms of national or provincial legislation; but
- (2) Differences between categories of customers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas, may justify the imposition of differential charges.

5. Availability Charges for Water Services

- (1) The municipal council may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, whether or not such services are consumed.
- (2) Where a fixed charge is levied in terms of subsection 6(1), it shall be payable by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it

6. Availability charges will become payable:

- (1) On transfer of a portion or erf to another owner (for a private development this is when a portion or erf is transferred)
- (2) When the service becomes available—where a new service is provided by the legal water provider (municipality or private entity)

Part 3: Payment**7. Payment for Water Services**

The owner, occupier and customer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a customer, in accordance with the municipality's by-laws relating to credit control and debt collection. Note: Capital contributions are a tariff and the aforementioned is applicable

Part 4: Termination, Limitation and Disconnection**8. Termination of Agreement for the Provision of Water Services**

A customer may terminate an agreement for the provision of water services in accordance with the municipality's by-laws relating to credit control and debt collection.

9. Limitation and or Disconnection of Water Services Provided

- (1) The Engineer may restrict or discontinue water supply services provided in terms of these by-laws—
 - (a) on failure to pay the determined charges on the date specified;
 - (b) in accordance with, and after the procedure set out in the municipality's by-laws relating to credit control and debt collection has been applied;
 - (c) at the written request of a customer;
 - (d) If the agreement for the provision of services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection;
 - (e) The building on the premises to which services were provided is to be demolished; it is the responsibility of the owner/occupier to give notice of any building that is going to be demolished.
 - (f) If the customer has interfered with a restricted or discontinued service;
 - (g) In an emergency or emergency situation declared in terms of the municipality's by-laws relating to credit control and debt collection; or
 - (h) If the customer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the municipality for the purposes of gaining access to water supply services after notice by the municipality.

- (2) The Engineer may disconnect sanitation services provided in terms of these by-laws—
 - (a) At the written request of a customer;
 - (b) If the agreement for the provision of sanitation services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection or
 - (c) The building on the premises to which services were provided has been demolished. It's the responsibility of the owner/occupier to give notice of the building which is going to be demolished;
- (3) The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subsections (1) and (2), including damages or claims that may arise due to the limitation or disconnection of water services by the municipality in the bona fide belief that the provisions of subsections (1) and (2) applied, except in the case of consumers who had been incorrectly billed.

CHAPTER 3: SERVICE LEVELS

10. Service Levels

- (1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to customers.
- (2) The municipal council may in determining service levels differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.
- (3) The levels of service as described in the Water and Sanitation Service Level Policy or as determined by Council may, subject to subsection (1), be provided by the municipality on the promulgation of these by-laws:

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: Connection to water supply system

11. Provision of Connection Pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the Engineer.

- (3) Only the Engineer may install a connection pipe but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Engineer has installed a connection pipe and meter.

12. Location of Connection Pipe

- (1) A connection pipe provided and installed by the Engineer shall—
 - (a) Be located in a position determined by the Engineer and be of a suitable size as determined by the Engineer;
 - (b) Terminate at—
 - (i) The boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
 - (ii) At the outlet of the water meter or isolating valve if it is situated on the premises.
- (2) The Engineer may at the request of any person agree, subject to such conditions as the Engineer may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.
- (3) An owner must pay the determined connection charge in advance before a water connection can be effected.

13. Provision of Single Water Connection for Supply to Several Customers on the Same Premises

- (1) Notwithstanding the provisions of section 13, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or customers located on such premises on condition that application is submitted to and approved by the Engineer.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Engineer may, in its discretion, provide and install either—
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Engineer has installed a single measuring device as contemplated in subsection (2)
 - (a) The owner or the person having the charge or management of the premises, as the case may be—

- (b) Must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—
 - (i) A separate measuring device; and
 - (ii) An isolating valve; and
 - (iii) Will be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Where premises are supplied by a number of connection pipes, the Engineer may require the owner to reduce the number of connection points and alter his water installation accordingly.

14. Disconnection of Water Installation from the Connection Pipe

The Engineer may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards

15. Quantity, Quality and Pressure

- (1) Water services provided by the Municipality must comply with the minimum standards set for the provision of water services in terms of section 9 of the Act and the applicable regulations.
- (2) The Municipality must implement a suitable water quality sampling programme specifying the sampling points, frequency of testing and substances for which the water will be tested, thereby ensuring that water quality complies with the standards as prescribed in SANS 0241.
- (3) The municipality shall not be liable for water quality non-compliance in instances where the private water installation is not utilized on a regular basis, or where additional treatment systems and or appliances have been installed on such private water installation.
- (4) The municipality does not undertake to maintain a specific pressure or rate of flow in its water supply to consumers as mentioned in sub-section (3).

16. Testing of Pressure in Water Supply Systems

The Engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the amount of the pressure in the water supply system relating to his premises over such period as the owner may request.

17. Pollution of Water

- (1) An owner must provide and maintain approved measures to prevent the entry of any substance, which might be a danger to health or adversely affect the potable quality of water or affect its fitness for use, into—
 - (a) the water supply system; and
 - (b) any part of the water installation on his premises.

18. Water Restrictions

- (1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent, by public notice—
 - (a) In terms of its Water Services By-law to Restrict the use of Water, prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
 - (b) in general, or for specified purposes;
 - (c) during specified hours of the day or on specified days; and
 - (d) in a specified manner; and
 - (e) determine and impose—
 - (i) a restriction on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(e)(i); and
 - (iii) a general surcharge on the determined charges in respect of the supply of water; and
 - (iv) a fine, the amount published in the announcement, per incident where a contravention of a public announcement of water restrictions has occurred. This amount may also be published in the annual list of tariffs.
 - (f) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality may restrict the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so
- (3) The municipality—
 - (a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-

laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); and

- (c) shall where the supply has been discontinued, restore it only when the determined charge for discontinuation and reconnecting the supply has been paid.

19. Specific Conditions of Supply

- (1) The granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system—
 - (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2001; or
 - (b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2001.
- (2) The Engineer may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If an owner or customer requires—
 - (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in section 16 be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.
- (4) The Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Engineer the consumption of water by a customer adversely affects the supply of water to another customer, he may apply such restrictions as he may consider fit, to the supply of water to the customer in order to ensure a reasonable supply of water to the other customer, and must inform that customer about the restrictions.
- (6) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is reinstated, after an interruption in supply.
- (7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
- (8) No customer shall resell water supplied to him by the municipality except with the written permission of the municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the municipality may deem fit.

Part 3: Measurement**20. Measuring of Quantity of Water Supplied**

- (1) The Engineer must provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a customer.
- (2) The municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.
- (3) Any measuring device and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the Engineer, shall remain its property and may be changed and maintained by the Engineer when he considers it necessary to do so.
- (4) The Engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (5) If the Engineer installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.
- (6) If the Engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall—
 - (a) provide a place satisfactory to the Engineer in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
 - (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the Engineer on the measuring device; and
 - (f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the Engineer, is likely to cause damage to any meter.
 - (g) shall, if requested by the Engineer, pay a cost for the installation device, which amount shall be payable at least 48 hours before any device is installed.
- (7) No person other than the Engineer shall:
 - (a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
 - (b) break a seal which the Engineer has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.

- (d) install a measuring device on a municipal system or a system to be taken over by the municipality without the prior written approval having been obtained from the Engineer.
- (8) If the Engineer considers that, a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.
- (9) The municipality may require the installation, at the owner's expense, of a pre-approved measuring device to each dwelling unit (own title properties), in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used (body corporate), a single measuring device may otherwise be used for more than one unit.
- (10) The provision of an individual or bulk metering system must, be approved by the Engineer prior to installation.

21. Quantity of Water Supplied to Customer

- (1) For the purposes of ascertaining the quantity of water that has been measured by a measuring device that has been installed by the Engineer and that has been supplied to a customer over a specific period, it will, for the purposes of these by-laws, be presumed, except in any criminal proceedings and unless the contrary is proved, that the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;
- (2) the quantity, where the measuring device designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
- (3) the measuring device was accurate during that period; and
- (4) the entries in the records of the municipality were correctly made; and
- (5) if water is supplied to, or taken by, a customer without having passed through a measuring device, the estimate by the municipality of the quantity of that water shall be presumed, except in any criminal proceedings, to be correct unless the contrary is proved.
- (6) Where water supplied by the municipality to any premises is in any way taken by the customer without the water passing through any measuring device provided by the municipality, the municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (7) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer shall, as the municipality may decide, be based either on—
 - (a) the average monthly consumption of water on the premises recorded over three succeeding measuring periods after the date on which an irregularity referred to in subsection (2) has been discovered and rectified, or

- (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months immediately before the date on which an irregularity referred to in subsection (2) was discovered.
- (8) Nothing in these by-laws shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the Engineer on any premises to be measured at the end of every month or any other fixed period, and the municipality may charge the customer for an average consumption during the interval between successive measurements by the measuring device.
- (9) Until the time when a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during a specific period, must be based on the average consumption of water supplied to the specific supply zone within which the customer's premises are situated.
- (10) Where in the opinion of the Engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- (11) The municipality must within seven days, on receipt of a written notice from the customer, and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time, or on a day, other than that upon which it would normally be measured.
- (12) If a contravention of subsection (7) occurs, the customer must pay to the municipality the cost of whatever quantity of water was, in the opinion by the municipality, supplied to him.

22. Defective meters

- (1) If a consumer has reason to believe that a water meter is defective, he or she may apply in writing to the Municipality to have the meter tested free of charge.
- (2) If, after having been tested, it is found that the meter is not defective, the consumer shall pay a prescribed fee for the testing of the meter as well as for the removal and re-installation thereof.
- (3) A meter to which the regulations published under the Legal Metrology Act, 2014 (Act No 9 of 2014) are applicable, shall be deemed to be defective if it, when tested in accordance with SANS 1529 Part I, is found to have a percentage error in over-registration or under-registration more than that permitted for a meter in use in terms of that specification.
- (4) A meter to which the regulations referred to in subsection (3) are not applicable shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration more than that allowed in SANS 1529:1999 Part 4 and SANS 1525:1999.
- (5) A consumer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the consumer has an interest at his or her own cost.

- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing.

23. Special Measurement

- (1) If the Engineer requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, may, by written notice, advise the owner concerned of his intention to install a measuring device at any point in the water installation that he may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the municipality.
- (3) The provisions of sections 21(5) and 21(6) shall apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

24. No reduction of Amount Payable for Water Wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation if not agreed otherwise by contract or as determined by Council (unless it can be proved that the Municipality was negligent).

Part 4: Audit

25. Water Audit

- (1) The municipality may require a customer, within one month after the end of a financial year of the municipality, to undertake a water audit at his own cost.
- (2) The audit must at least involve and report—
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) the current initiatives for the management of the demand for water;
 - (h) the plans to manage their demand for water;
 - (i) a comparison of the report with any report that may have been made during the previous three years;
 - (j) estimates of consumption by various components of use;
 - (k) a comparison of the above factors with those reported in each of the previous three years, where available; and
 - (l) any other information the Engineer may deem necessary.

Part 5: Installation work**26. Approval of Installation Work**

- (1) If an owner elects to have installation work done, he or she must obtain the Municipality's written approval; provided that approval shall not be required in the case of—
 - (a) water installations inside dwelling units;
 - (b) installations where no fire installation is required; or
 - (c) the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Where the installation work is governed by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by —
- (4) the prescribed fees, if applicable;
 - (a) copies of the drawings as prescribed by the Municipality, furnishing information in the form required by clause 4.1.1 of SANS Code 10252 : Part I; and
 - (b) a certificate from a qualified plumber that the installation has been designed in accordance with SANS 10252: Part I or has been designed on a rational basis.
- (5) The provisions of subsections (1), (2) and (3) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (6) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 12 months from the date of approval thereof.
- (7) A complete set of approved drawings of installation work must always be available at the site of the work until such work has been completed, where permission is required in terms of subsection (1).
- (8) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may, by written notice, require the owner of the premises concerned to:
 - (a) comply with that regulation within a specified period,
 - (b) if work is in progress, to cease the work, and
 - (c) to remove all such work which does not comply with this By-law.

27. Persons Permitted to do Installation and Other Work

- (1) Only a Plumber, a person working under the control of a Plumber, or another person authorised in writing by the municipality, shall be permitted to:
 - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water geyser or its associated protective devices;

- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the Engineer.
- (4) The Municipality accepts no responsibility for any damages or costs incurred by an owner or consumer due to faulty installation work and shall hold the person liable for any damages or costs incurred by the Municipality as result of the faulty installation work.

28. Provision and Maintenance of Water Installations

- (1) An owner must provide and maintain his water installation at his own cost and except where permitted in terms of section 104, must ensure that the installation is situated within the boundary of his premises.
- (2) An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property 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 his service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the casemay be.

29. Technical Requirements for a Water Installation

- (1) Notwithstanding the requirement that a certificate be issued in terms of section 26, all water installations shall comply with SANS 10252 Part 1 and all fixed electrical storage water geysers shall comply with SANS 10254.
- (2) In addition to any requirement of SANS Code 10252 Part 1, the consumer must at his or her own expense, or the Municipality may at the consumer's expense, and for the consumer's exclusive use, provide and install or replace a stopcock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

30. Use of Pipes and Water Fittings to be authorised

- (1) No person may, without the approval of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it-
 - (a) bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the Bureau, or of any other standardisation/quality assurance organization accepted by the Municipality; and
 - (b) is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality;
 - (c) or is acceptable to the Municipality as indicated in writing by an authorised official.
- (2) The Municipality may, in respect of any pipe or water fitting, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.

31. Labelling of Terminal Water Fittings and Appliances

- (1) All terminal water fittings and appliances using or discharging water shall be marked, or have included within its packaging, the following information:
 - (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate.
 - (b) The flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20 kPa, 100kPa and 400 kPa.

32. Water Demand Management

- (1) Where deemed necessary the Engineer may insist that water demand management measures be implemented;
 - (a) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.
 - (b) The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.
 - (c) Any other measures deemed necessary for water demand management

Part 6: Communal water supply services**33. Provision of Water Supply to Several Consumers**

- (1) The Engineer may install a communal standpipe for the provision of water supply services to several consumers at a location it considers appropriate, provided that a majority of consumers, who in the opinion of the Engineer, constitute a substantial majority, and to whom water services will be provided by the standpipe, has been consulted by him or the municipality.

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

Part 7: Temporary water supply services

34. Water Supplied from a Hydrant

- (1) The Engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for any period that may be prescribed by him and payment of such applicable charges, including a deposit, as may be determined by the municipal council from time to time.
- (2) A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service in terms of section (2) and must pay a deposit determined by the municipal council from time to time.
- (3) The Engineer shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.
- (4) The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remain the property of the municipality and must be returned to the municipality on termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result in the imposition of penalties determined by the municipality from time to time.

Part 8: Boreholes

35. Notification of Boreholes

- (1) The Municipality may require the owner or occupier of premises upon which a borehole or well point exists, to notify it on the prescribed form of the existence of a borehole or well point on such premises, and provide it with such information as may be required; and
- (2) The owner or occupier of any premises who intends to sink a borehole or well point on such premises must notify the Municipality on the prescribed form of such intention before work in connection therewith is commenced.
- (3) The information required as part of a notification of an existing borehole under (1) (a) must state the aquifer into which the borehole is drilled, and provide the final depth drilled, and ideally the driller's log or comments.
- (4) If water obtained from a borehole on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewage disposal system, the Municipality may install a meter in the pipe leading from such borehole to the point or points where it is so used, and the Municipality may impose minimum standards in respect of the quality of effluent so discharged.
- (5) Prior to sinking a borehole or well point, the Municipality may require the owner or occupier of premises to undertake an environmental impact assessment for

such intended borehole or well point to the satisfaction of the Municipality and the relevant government department.

- (6) Boreholes are subject to the requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- (7) Water supply from a borehole or well point may under no circumstances be connected to a water installation which is connected to the water supply system of the Municipality.
- (8) The owner of premises on which water supply from a borehole or well point is used for human consumption must ensure that the water quality complies with SANS 0241 standards.
- (9) The municipality shall not be liable for any loss or damage due to health-related incidents, where boreholes or well points are used.

Part 9: Fire services connections

36. Connection to be approved by the Municipality

- (1) The Authorised Agent shall be entitled in his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.
- (2) No water shall be supplied to any fire extinguishing installation until a certificate that the municipality's approval in terms of section 26 has been obtained and that the installation complies with the requirements of these and any other by-laws of the municipality, has been submitted.
- (3) If in the Authorised Agent's opinion a fire extinguishing installation, which he has allowed to be connected to the municipality's main, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purpose other than firefighting, that 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 customer's expense.

37. Special Provisions

Any water installation for the provision of water for fire-fighting purposes, must comply with the provisions of SANS Code 10252-1:1994 or any revision or substitution thereof.

38. Dual and Combined Installations

- (1) All new buildings erected after the commencement of these by-laws, must comply with the following requirements in relation to the provision of fire extinguishing services:
 - (a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general purposes.
 - (b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire

hydrant must be provided by the municipality, at the customer's expense, within 90 metres of the property to provide a source of water for the fire tender to use in extinguishing the fire.

- (c) Combined installations, where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
- (d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

39. Connection Pipes for Fire Extinguishing Services

- (1) The Municipality may provide a single connection to the water supply system, to serve a connection pipe for a fire installation, but excluding a sprinkler system.
- (2) The Municipality must provide and install at its cost a meter on an existing connection pipe referred to in subsection (1), but at the owner's cost for any new installation;
- (3) An existing connection pipe for the sole purpose of fire-fighting services may only be used for that purpose, and such connection must be metered.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water from this connection be used except in connection with—
 - (a) an automatic sprinkler and drencher;
 - (b) a hydrant connection or a hose-reel connection; or
 - (c) for any pressure vessel in connection therewith which vessel must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved by the Municipality

40. Valves and Meters in Connection Pipes

- (1) Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which shall be:
 - (a) supplied by the Engineer at the expense of the customer;
 - (b) installed between the customer's property and the main; and
 - (c) installed in such position as may be determined by the Engineer.

41. Meters in Fire Extinguishing Connection Pipes

The Engineer shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the municipality that water has been drawn from the pipe for purposes other than for the purpose of extinguishing a fire.

42. Sprinkler Extinguishing Installation

A sprinkler installation may be installed directly to the main, but the municipality may not be deemed to guarantee any specified pressure at anytime.

43. Header Tank or Double Supply from Main

- (1) The customer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.
- (2) The main pipe leading from a header tank to the sprinkler installation may be in direct communication with the main, provided that the main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- (3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

44. Sealing of Private Fire Hydrants

- (1) Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.
- (2) The customer must give the municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- (3) The cost of resealing hydrants and hose-reels shall be borne by the customer except when the seals are broken by the municipality's officers for testing purposes.
- (4) Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the municipality.

Part 10: General provisions**45. Sampling of Water**

- (1) The owner or occupier of premises where water from any other source is used, must provide the Municipality with water sample analyses undertaken and determined by an accredited laboratory as prescribed by SANS0241 or by the municipality, at his or her own cost.
- (2) In the event of non-compliance or suspected health or environmental risks, the Municipality may take samples of water obtained from such source, used for domestic or any other purposes, and have the samples tested for compliance with applicable standards.
- (3) The municipality may charge a fee for the taking and testing of the samples referred to in subsection (2).

- (4) An authorised agent may at any point, with due notice to the landowner, visit a borehole or well point or other source of water, to measure groundwater levels, to take ad hoc water samples for laboratory analysis, or otherwise for purposes of standard hydro chemical field measurements.
- (5) Laboratories used for analyses must use accredited methods applicable to the specific type of analysis.

46. Supply of Non-Potable Water by Municipality

- (1) The municipality may on application agree to supply non-potable water to a consumer, subject to such terms and conditions as the municipality may impose.
- (2) Any supply of water agreed to in terms of sub-section (1) shall not be used for domestic or other purposes, which, in the opinion of the municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both to quality and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences on any bona fide fault of the municipality or the malfunction of a treatment plant.
- (5) Non-potable water supply may not be connected to a water installation which is connected to the potable water supply system of the Municipality.
- (6) Where non-potable water is used, the owner must ensure that water fittings and appliances which supply or use water are clearly marked with a weatherproof notice indicating that the water is unsuitable for domestic purposes.
- (7) A warning notice prescribed in terms of subsection (6) shall be in more than one official language and must include the symbolic sign for non-potable water, sign PV5 as described in SANS 11186.

47. Pipes in Streets or Public Places

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

48. Use of Grey Water

No person shall use grey water or permit such water to be used, except with the prior written permission of the municipality and subject to such conditions as it may impose.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to sanitation system

49. Obligation to Connect to Sanitation System

- (1) All premises on which sewage is produced must be connected to an approved sanitation system. All premises must be connected to municipalities sanitation

system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with sections 71 and 105.

- (2) The municipality may, by notice, require the owner of premises not connected to the municipality's sanitation system, to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (1), must inform the municipality in writing of any other sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- (4) The owner will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection.
- (5) If the owner fails to connect premises to the sanitation system after having been given notice in terms of subsection (2) the municipality may notwithstanding any other action that it may take in terms of these by-laws, impose a penalty, as determined by the Council in the annual tariff list, on the owner as determined by the municipality

50. Provision of Connecting Sewer

- (1) If an agreement for sanitation services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection, and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form, and pay the tariffs and charges determined by the municipality for the installation of a connecting sewer.
- (2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may agree to the extension only if the owner pays or undertakes to pay for the cost, as determined by the Engineer, of the extension, modification or upgrading of the services.
- (3) Only the Engineer may install or approve an installed connecting sewer; but the owner or customer must connect the sanitation installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Engineer has installed a connecting sewer.
- (5) On application and in accordance with certain conditions stipulated, the Engineer may approve that the applicant install the service.

51. Location of Connecting Sewer

- (1) A connecting sewer that has been provided and installed by the Engineer must—

- (a) be located in a position determined by the Engineer and be of a suitable size determined by the Engineer; and
 - (b) terminate at—
 - (i) the boundary of the premises; or
 - (ii) at the connecting point if it is situated on the premises.
- (2) The Engineer may at the request of the owner of a premises, approve, subject to any conditions that he/she may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary. Should more than one erf connect to a line and share a service, a service agreement is to be drawn up between the various owners regarding the maintenance and upgrading of the shared service.
- (3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.
- (4) The owner of premises must pay the connection charges and tariffs determined by the municipality before a connection to the connecting sewer can be effected.

52. Provision of One Connecting Sewer for Several Consumers on Same Premises

- (1) Notwithstanding the provisions of section 52, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Notwithstanding subsection (1), the municipality may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or, if in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (3) Where the provision of more than one connecting sewer is authorised by the municipality under subsection (2), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

53. Interconnection between Premises

An owner of premises must ensure, unless he has obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on his premises and the drainage installation on any other premises. It will be required that a legal agreement be drawn up between the premises owners of the shared services, that clearly stipulate the combined responsibility for the maintenance or possible upgrade of the shared service.

54. Disconnection of Connecting Sewer

The Engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of sewer supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards**55. Standards for Sanitation Services**

- (1) Sanitation services provided by the municipality must comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.
- (2) No bucket sewer system shall be allowed within the municipal area from the date of promulgation of the By-law.

Part 3: Methods for determining charges**56. Measurement of Quantity of Domestic Effluent Discharged**

- (1) The quantity of domestic effluent discharged shall be determined as a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.
- (2) Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, the quantity must be a percentage of the total water used on those premises that is reasonably estimated by the municipality.

57. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined—
 - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by that measuring device; or
 - (b) until the time that a measuring device is installed, by a percentage as stipulated in Schedule B, of the water supplied by the municipality to those premises.
- (2) The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.

- (3) The municipality may install and maintain any meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises reasonably estimated by the municipality.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application by the owner reduce the assessed quantity of industrial effluent.
- (6) The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
 - (a) each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the municipality as stated in the permit issued by the municipality;
 - (b) the municipality may conduct random compliance tests to correlate with those used in subsection (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and further tests may be required by the municipality to determine, at the cost of the customer, the values for the formula;
 - (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
 - (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
 - (e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, and ortho- phosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the Municipality will use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the municipality or the SANS. Test results from a laboratory, approved by the municipality, will have precedence over those of the municipality;

- (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for calculation shall not be less than one full 24-hour period; unless evidence, is submitted to the municipality that a lesser period is actually applicable;
- (g) the terms of the disincentive formula cannot assume a negative value;
- (h) the total system values for quality charges shall remain constant for an initial period of one month, but in any case, not longer than twelve months from the date of commencement of these charges. After the expiry of that time they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed in subsection (7) or 8(l) without taking any samples;
- (i) whenever the municipality takes a sample, one half of it will be made available to the customer on request;
- (j) for the purpose of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by the municipality;
- (l) in the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries; and
- (m) all points of discharge from a single premise must be disclosed to the municipality.

58. Reduction in the Measured Quantity of Effluent Discharged

- (1) A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of sections 56 and 57, where the quantity of water, on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the municipality that the water was not discharged into the sanitation system or any other municipal system.
- (2) The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the preceding 3 (three) months,

for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the municipality, after taking into account all information that is considered by it to be relevant.

- (5) There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumer's failure to comply with these or other by-laws.

59. Charges in Respect of "On-Site" Sanitation Services

Charges be payable by the owner in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs arising from the removal of the pit contents, its transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues, and are payable by the owner in accordance with the annual tariff list.

Part 4: Drainage installations

60. Installation of Drainage Installations

- (1) An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.
- (2) The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- (3) Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.
- (4) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (5) Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 100 years flood level and must be 100% watertight to prevent ingress or egress that can cause pollution of the environment
- (6) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these by-laws and any other relevant law or by-laws.

- (7) No rainwater or stormwater, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.

61. Disconnection of Drainage Installations

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the municipality approves otherwise.
- (3) When a disconnection has been made after all the requirements of the Building Regulations in regard to disconnection have been complied with, the Engineer must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, the Engineer must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.
- (5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection were made on the first day of the month following the month in which the connection or disconnection took place.

62. Maintenance of Drainage Installations

- (1) An owner must provide and maintain his drainage installation at his own cost.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation and a written agreement of this effect must be drawn up.
- (3) The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

63. Technical Requirements for Drainage Installations

All drainage installations shall comply with SANS code 10252 and the Building Regulations and any Municipal standards where applicable.

64. Drains

- (1) Drains passing through ground which in the opinion of the Engineer 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 and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the Engineer.

- (2) A drain or part of it may only be laid within, or passes under or through a building, with the written approval of the Engineer in accordance with the conditions as set by the Engineer.
- (3) A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

65. Sewer Blockages

- (1) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause its blockage or ineffective operation in it or a municipal sewer system.
- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation, he shall take immediate steps to have it cleared.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the municipality.
- (4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under, the supervision of a plumber.
- (5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.
- (6) Where a blockage has been removed from a drain, or portion of a drain, which serves two or more premises, the owners will be jointly and severally liable for the cost of clearing the blockage.
- (7) Where a blockage in a sanitation system has been removed by the Engineer, and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface, neither the Engineer nor the Municipality shall be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by a wrongful act or negligence by the Engineer.

66. Grease Traps

- (1) A grease trap of an approved type, size and capacity must be provided in respect of all premises, including but not limited to (households, food outlets, car washes, malls, textile factories, etc;) that discharge sewage to on-site sanitation systems or where, in the opinion of the municipality, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in Municipal or other sewers or drains, or to interfere with the proper operation of any wastewater treatment plant.

- (2) The stipulations as described under section 66 also apply to all premises that discharge effluent that contains grease, oil, fat, soap.
- (3) Grease, oil, fat and other inorganic materials that are removed from the grease trap must be disposed of to a suitable waste disposal site as approved by the municipality, and must under no circumstances be discharge back into the sewer or storm water systems in the municipal area.

67. Industrial Grease Traps

- (1) The owner or manufacturer must ensure that industrial effluent that contains, or that, in the opinion of the municipality is likely to contain, grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, pass through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter that is approved by the Engineer.
- (2) The owner or manufacturer must ensure that oil, grease or any other substance that is contained in any industrial effluent or other liquid and that gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20° C must be intercepted and retained in a tank or chamber so as to prevent its entry into the sewer.
- (3) A tank or chamber as referred to in subsection (2) must comply with the following requirements:
 - (a) It shall be of adequate capacity, constructed of hard durable materials and watertight when completed;
 - (b) the waterseal of its discharge pipe shall be not less than 300mm in depth; and
 - (c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.
- (4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—
 - (a) the dates on which the tank or chamber was cleaned;
 - (b) the name of any the persons who cleaned the tank or chamber;
 - (c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

68. Mechanical Appliances for Lifting Sewage

- (1) The owner of any premise must obtain the approval of the Engineer before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of

the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.

- (3) Notwithstanding any approval given in terms of subsection (1), the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act, or negligence of an employee of the municipality.
- (4) 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 nonreturnable valves located in approved positions.
- (5) Unless otherwise permitted by the Engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the Engineer who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.
- (8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.
- (9) Every sewage storage tank required in terms of paragraph (a) must—
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
 - (b) have an emergency storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity; and
 - (c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the Engineer's specifications.

Part 5: On-site sanitation services and associated services**70 Installation of On-Site Sanitation Services**

If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality, on the site unless the service is a subsidised service that has been determined by the municipality in accordance the municipality's Credit Control and Debt Collection Bylaw.

71 Septic Tanks and Treatment Plants

- (1) No person may construct, install, maintain or operate any plant for the treatment, disposal or storage of sewage, without the permission of the Municipality.
- (2) The permission referred to in subsection (1) is subject to the provisions of this By-law, any other relevant by-laws of the Municipality, or any other applicable legislation.
- (3) Construction or installation of a treatment plant must be in accordance with the requirements of the Municipality.
- (4) If an inspection or testing of an existing septic tank reveals that it is not watertight, the Municipality may require the septic tank to be upgraded or replaced with a conservancy tank at the owner's cost in accordance with the standards prescribed by the Municipality.
- (5) If an existing septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either removed or filled with soil or suitable material.
- (6) An application for a privately owned on-site sewage treatment plant may be considered if the hydraulic capacity of the plant will not exceed the maximum capacity as specified by the municipality. Such an application must be accompanied by the following information -
 - (a) details of the proposed development;
 - (b) the design and details of the proposed plant and process and the particulars of the professional person responsible;
 - (c) the EIA report for the plant;
 - (d) the license for the plant as obtained from the Department of Water and Sanitation; and
 - (e) the particulars of the party which will be responsible for the operation and maintenance of the plant including the contract between the developer and such party.
- (7) Final approval of the commencement of the operation of the plant shall be subject to compliance with the general limit values for the discharge of domestic wastewater as may be determined by the municipality.
- (8) Privately owned, on-site sewage treatment plants will be subject to the reporting and monitoring requirements determined by the municipality and the person to

whom the permission for the operation of the plant was given shall be liable for the costs associated with additional monitoring.

- (9) In the case of non-compliance with set conditions the municipality may upon written notice withdraw its permission and require a shutdown of the plant until such compliance is proven.

72 French Drains

- (1) The Municipality shall not permit the disposal of wastewater or other effluent by means of a french drain or soakage pit, unless exceptional circumstances prohibit the implementation of an alternative solution.
- (2) If an existing french drain is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must take steps to have it either completely removed or completely filled with soil or suitable material.

73 Conservancy Tanks

- (1) The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.
- (2) No rain water, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless—
 - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;
 - (d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the Engineer and which is situated in a position required by the municipality;
 - (e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.
- (5) Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3.5m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons or a 6m³, 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 for such purposes.

- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.

74 Operation and Maintenance of On-Site Sanitation Services

The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the municipality's by-laws relating to credit control and debt collection.

75 Disused Conservancy and Septic Tanks

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the Engineer may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

Part 6: industrial effluent

76 Approval to Discharge Industrial Effluent

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.
- (2) A person must apply for and pay the necessary application cost for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.
- (3) The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards No. 103 of 1977, also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.
 - (a) In the cases where industries are situated in an area where they can not connect to the municipal sewer systems, or when there are no sewerage connections, the industry needs to do on site treatments, to the satisfaction of the Engineer, of the effluent, to an environmental discharge standard, so that it can safely discharge to the environment.
 - (b) If it is not possible to do on site treatment, the industrial effluent must be transported to the nearest waste water treatment plant that are able to effectively treat the effluent.

- (c) For the transportation and discharging of the effluent, the necessary permit need to be obtained from the Engineer and necessary municipal tariff paid.

77 Withdrawal of Approval to Discharge Industrial Effluent

- (1) The municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 (fourteen) days' notice, if the customer—
 - (a) Fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or the written permission referred to in section 76;
 - (b) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or
 - (c) fails to pay the charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any approval—
 - (a) in addition to any steps required in these by-laws, and on 14 (fourteen) days' written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
 - (b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

78 Quality Standards for Disposal of Industrial Effluent

- (1) A commercial customer, to whom approval has been granted, must ensure that no industrial effluent is discharged into the sanitation system of the municipality unless it complies with the standards and criteria set out in Schedule A.
- (2) The municipality may, in granting its approval, relax or vary the standards in Schedule A, provided that it is satisfied that any relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality must consider—
 - (a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the commercial customer represents the best available to the commercial customer's industry and, if not, whether the installation of the best technology would cause the customer unreasonable expense;
 - (c) whether the commercial customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;

- (d) the cost to the municipality of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of the relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down as a condition for granting an approval.

79 Conditions for the Discharge of Industrial Effluent

- (1) The municipality may on granting approval by issuing a permit (see Schedule D) for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to—
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
 - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
 - (c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing industrial effluent at any other point;
 - (d) construct on any pipe conveying industrial effluent to any sewer, a service access hole or stop valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - (e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
 - (f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the Municipality. Copies of the calibration must to be forwarded to the Municipality by the commercial customer; and
 - (h) cause industrial effluent to be analyzed as often, and in whatever manner, may be determined by the municipality, and provide them with the results of these tests as they are available.
- (2) The cost of any treatment, plant, work or analysis, that an owner may be required to carry out, construct or install in terms of subsection (1), shall be borne by the commercial customer concerned.

- (3) If industrial effluent that neither complies with the standards in Schedule A nor has received the approval of the municipality, is discharged into the sanitation system, the municipality must be informed and the reasons for it, within twelve hours of the discharge.

Part 7: Sewage delivered by road haulage

80 Acceptance of Sewage Delivered by Road Haulage

The Engineer may, in his discretion, and subject to such conditions as he may specify, accept sewage for disposal that is delivered to the municipality's sewage treatment plants by road haulage.

81 Approval for Delivery of Sewage by Road Haulage

- (1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the Engineer and subject to any conditions, and any times, that may on reasonable grounds be imposed by him.
- (2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs of charges.
- (3) The "cartage" company shall ensure—
 - (a) the safety and suitability of the vehicle and ensure that no spillage takes place, during withdrawal, transport and disposal,
 - (b) have the required health and safety plan in place
 - (c) have a contingency plan in the event of an accidental spillage occurring

82 Withdrawal of Permission for Delivery of Sewage by Road Haulage

- (1) The Engineer may withdraw any approval, given in terms of section 81, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage—
 - (a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
 - (b) fails, or refuses, to comply with any notice served on him in terms of these by-laws, or contravenes any provision of these by-laws, or if any condition has been imposed on him as a condition of approval; and
 - (c) fails to pay all the charges applicable to the delivery of sewage.

83 Conditions for Delivery of Sewage by Road Haulage

- (1) When sewage is to be delivered by road haulage—
 - (a) the time and place when delivery is to be made shall be arranged in consultation with the Engineer; and
 - (b) the Engineer must be satisfied before a delivery can take place, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these by-laws.

Part 8: Purified sewage**84 Use of Purified Sewage**

- (1) The municipality may on application, agree to supply purified sewage to a consumer, subject to such terms and conditions as the municipality may impose
- (2) No warranty, expressed or implied, shall be supplied by the municipality in respect of the suitability of the purified sewage for the purpose for which the supply was granted.
- (3) The supply of purified sewage shall, both as to condition and as to use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant
- (4) Purified sewer pipes must be;
 - (a) clearly marked indicating that is conveying purified effluent
 - (b) have a warning notice on the pipe at regular intervals, or marked in a different (orange) colour
 - (c) not be accessible by the general public
 - (d) Pipeline must be constructed to the general municipal standards

Part 9: Other sanitation service**85 Stables and Similar Premises**

- (1) The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose; but approval will be given only if—
 - (a) the floor of the premises is paved by impervious materials that are approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
 - (b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

86 Mechanical Food-Waste or Other Disposal Units

- (1) The municipality may approve the connection or incorporation of a mechanical waste food, disposal which and any disposal unit or garbage grinder, into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges, and to any condition that the municipality may impose, but approval will be given only if—
 - (a) water meter is installed by the municipality;
 - (b) the Engineer is satisfied that the municipality's sewerage and sewage treatment system will not be adversely affected; and

- (c) the installation or incorporation is installed in conformance with the municipality's by-laws relating to electricity.

87 Building over sewerage system

- (1) No structure may be erected over a municipal service, and no large vegetation or trees may be established over municipal services. A municipal service is to remain accessible at all times and access must be provided to the municipality, or its appointed agents, at all times
- (2) The owner/occupier are responsible to report all faults and defects to the Municipality or its appointed agent.

Part 10: Installation work

88 Approval of Installation Work

- (1) If an owner wishes to have installation work done, he must first obtain the municipality's written approval.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by—
 - (a) a charge determined by the municipality, if a charge is determined, and
 - (b) copies of all drawings that may be required and approved by the municipality;
 - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.
- (3) Approval given in terms of subsection (1) shall lapse after 12 (twelve) months.
- (4) When approval has been given in terms of subsection (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.
- (5) If installation work has been done in contravention of subsections (1) or (2), the municipality may require the owner at his own cost—
 - (a) to rectify the contravention within a specified time;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these by-laws.

89 Persons Permitted to do Installation and Other Work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to—
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - (c) service, repair or replace a back flow preventer; or

- (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of, or who has been nominated by, the Engineer.

90 Use of Pipes and Water Fittings to be authorised

- (1) No person shall, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if—
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SANS to certify that the pipe or water fitting—
 - (i) complies with an SANS Mark specification; or
 - (ii) a provisional specification issued by the SANS;
 - (c) it is included in the list of water and sanitation installations accepted by JASWIC.
 - (d) No certification marks shall be for a period exceeding two years.
- (4) The municipality may impose any additional condition that it considers necessary as relating to the use, or method of installation, of any pipe or water fitting included in the Schedule.
- (5) A pipe or sanitation fitting must be removed from the Schedule if it—
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current Schedule must be available for inspection at the office of the municipality at any time during working hours.
- (7) The municipality may sell copies of the current Schedule at a charge determined by it.

91 Testing of Drainage Installations

- (1) No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall, the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the Engineer, before the draining installation has been enclosed:
 - (a) 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, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
 - (b) 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;
 - (c) if required by the municipality, a camera inspection of the pipe;
 - (d) after all openings to the pipe or series of pipes to be tested, having been plugged or sealed and all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
 - (e) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10minutes.
- (2) If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

92 Water Demand Management

- (1) Notwithstanding the provisions of section 118, no flushing urinal that is not user activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of these by-laws.
- (2) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES

93 Registration

The municipality may by public notice require water services intermediaries or classes of water services intermediaries to register with the municipality in a manner specified in the public notice.

94 Provision of Water Services

- (1) Water services intermediaries must ensure that water services, including basic services as determined by the municipal council, are provided to such persons it is obliged to provide with water services.
- (2) The quality, quantity and sustainability of water services provided by water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the municipality to customers.

95 Charges for Water Services Provided

- (1) A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipality.
- (2) A water services intermediary must provide subsidised water services, as determined by the municipal council in terms of the municipality's by-laws relating to credit control and debt collection from time to time, and provided by the municipality to customers at a price that is the same or less than the charges at which the municipality provides such services.

CHAPTER 7: UNAUTHORISED WATER SERVICES

96 Unauthorised Services

- (1) No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
- (2) The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to—
 - (a) apply for such services in terms of sections 2 and 3; and
 - (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

97 Interference with Infrastructure for the Provision of Water Services

- (1) No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided unless by written agreement with the municipality
- (2) No person other than the municipality shall effect a connection to infrastructure through which water services are provided unless covered by agreement of the municipality

- (3) The municipality may recover any costs associated with repairing damage caused as a result of a contravention of subsections (1) and (2). The costs recoverable by the municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

98 Obstruction of Access to Infrastructure for the Provision of Water, Sanitation and Sewage Services

- (1) No person shall prevent or restrict the physical access of the municipality to infrastructure through which water, sanitation and sewage services are provided.
- (2) If a person contravenes subsection (1), the municipality may—
 - (a) by written notice require such person to restore access at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.
- (3) The costs recoverable by the municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

99 Wastage of Water

- (1) No consumer shall:
 - (a) permit the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings; or
 - (d) an overflow of water to persist.
- (2) An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).
- (4) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

100 Unauthorised and Illegal Discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.
- (3) Where the hosing down or flushing by rain water of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.
- (4) No person may discharge or cause or permit the discharge of—
 - (a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
 - (b) 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 of such swimming pool;
 - (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
 - (d) any sewage, industrial effluent or other liquid or substance which—
 - (i) in the opinion of the Engineer may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 20° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0 or greater than 10;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93° C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;

- (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
- (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (ix) has either a greater COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;
- (x) contains any substance which in the opinion of the Engineer—
 - cannot be treated at the sewage treatment work to which it could be discharged; or
 - will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or
 - will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998) and DWAF General Authorisation—2004 or
- (e) either alone or in combination with other substance may—
 - (i) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or
 - (ii) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from—
 - (a) injury to persons, damage to the sanitation system; or
 - (b) a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998).

101 Illegal Re-Connection

A consumer whose access to water supply services have been restricted or disconnected, who intentionally reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall on written notice be disconnected.

102 Interference with Infrastructure

- (1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the municipality provides municipal services.
- (2) If a person contravenes subsection (1), the municipality may—
 - (a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

103 Pipes in Streets or Public Places

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

104 Use of Water from Sources Other than the Water Supply System

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Engineer or DWAF, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the Engineer with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of latest amended SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Engineer —
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The Engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

- (7) The provisions of section 21 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

105 Use of On-Site Sanitation Services Not Connected to the Sanitation System

- (1) No person shall use, or permit the use of, on-site sanitation services not connected to the municipality's sanitation system except with the prior approval of the Engineer, and in accordance with such conditions as he/she may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the Engineer with evidence satisfactory to him/her that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Engineer—
 - (a) condition imposed in terms of subsection (1) is breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
 - (c) a municipal service becomes available and a connection can be provided by the municipality
- (4) The Engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

CHAPTER 8: NOTICES

106 Power to Serve and Compliance with Notices

- (1) The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than thirty days except where a notice is issued in terms of section 18, when the period shall not be less than seven days.
- (2) If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—
 - (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) restricting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.

- (3) A notice in terms of subsection (1) must—
 - (a) give details of any provision of the by-laws that has not been complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the municipality—
 - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
 - (ii) may take any other action that it considers necessary for ensuring compliance.
- (4) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).
- (5) The costs recoverable by the municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 9: APPEALS

107 Appeals against Decisions of the Municipality

An appeal against a decision of the Municipality taken in terms of delegated powers must be submitted to the municipal manager in terms of section 62 of the Systems Act by giving written notice of the appeal and the reasons therefor within 21 days of the date of notification of the decision.

CHAPTER 10: OFFENCES AND PENALTIES

108 Offences

- (1) It is an offence for any person to —
 - (a) manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality;

- (b) render, install or change a water service which has been connected without permission of the Municipality to the municipal water services system directly or indirectly;
 - (c) refuse to grant an authorised agent access to premises;
 - (d) obstruct, interfere or hinder an authorised agent who is exercising a power or carrying out a duty under this By-law;
 - (e) fail or refuse to provide an authorised agent with a document or information that the person is required to provide under this By-law;
 - (f) give false or misleading information to an authorised agent;
 - (g) impersonating an authorised agent;
 - (h) falsely alter an authorisation to an authorised agent or written authorisation, compliance notice or compliance certificate issued in terms of this By-law
 - (i) enter any premises without a written notification in circumstances requiring such notification;
 - (j) act contrary to a written notice or document issued in terms of this By-law
 - (k) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in sections 105 and/or 106;
 - (l) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.
 - (m) contravene or fail to comply with the provisions of this By-law;
 - (n) fail to comply with any notice issued in terms of this By-law;
 - (o) fail to comply with any lawful instruction given in terms of this By-law;
 - (p) unlawfully and intentionally or negligently interfere or tamper with any water services works of the Municipality;
 - (q) Ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality; or
 - (r) contravene or fail to comply with any conditions imposed upon the granting of any application consent approval, concession, exemption or authority in terms of this By-law.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority

over another person, permits or allows him or her to commit an offence, will also be guilty of that offence.

109 Penalties

- (1) Any person who contravenes any of the provisions of this By-law shall be guilty of an offence and liable on conviction to—
 - (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing or repeated offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.
- (2) In addition to any penalty imposed in terms of sub section (1) the Municipality may terminate the water service to such a person.

CHAPTER 11: DOCUMENTATION

110 Signing of Notices and Documents

A notice or document issued by the municipality in terms of these by-laws and signed by a duly authorised municipal employee shall be deemed to have been duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

111 Service of Notices

- (1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, failing which it may be regarded as having duly been served—
 - (a) when it has been left at a person's place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;
 - (b) when it has been posted by registered or certified mail to a person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - (c) if a person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in a manner provided for in subsections (a), (b) or (d); or
 - (d) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates.
 - (e) by the public notice of a recognised newspaper

- (2) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.
- (3) When any notice or other document must be authorised or served on the owner, occupier of any property, or of any person who holds a right over, or in respect of it, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and shall not be necessary to name him.
- (4) Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in these by-laws.

112 Authentication of Documents

- (1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the municipal manager, by a duly authorised officer of the municipality or by the Manager of the municipality's authorised agent.
- (2) Authority to authorise, as envisaged in subsection (1) must be conferred by a resolution of the municipality, by a written agreement or by a bylaw.

113 Prima Facie Evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the municipal manager, or of a suitably qualified employee of the municipality who is authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon its mere production constitute prima facie evidence of the indebtedness.

CHAPTER 12: GENERAL PROVISIONS

114 Responsibility for Compliance with these By-Laws

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

115 Provision of Information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

116 Power of Entry and Inspection

- (1) An authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The municipality may be accompanied by an interpreter and any other person reasonably required assisting the authorised official in conducting the inspection.
- (4) A person representing the municipality must, on request, provide his identification.

117 Indemnification from Liability

Neither employees of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his duties unless the damage is caused by a wrongful and intentional act or negligence.

118 Exemption

- (1) The Engineer may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable, provided that the Engineer shall not grant exemption from any section of these by-laws that may result in—
 - (a) the wastage or excessive consumption of water supply services;
 - (b) significant adverse effects on public health, safety or the environment;
 - (c) the non-payment for services;
 - (d) the Act, or any regulations made in terms of it, not being complied with.
- (2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

119 Conflict of Law

For the application of this By-law, any conflict between this by-law and any other by-laws of the municipality, the stipulations of this by-law will prevail.

120 Transitional Arrangements

- (1) If approval for installation work to be done was given before the date of commencement of this By-law, or if authorised work is in progress on such a date, such work must comply with any applicable legislation which was in force in the area of jurisdiction of the Municipality, immediately prior to such date.

- (2) For a period of 30 days after the commencement of this By-law, the Municipality may give approval for installation work to be done in accordance with any legislation mentioned in subsection (1).
- (3) No owner may be required to comply with this By-law by altering a water installation or part thereof which was installed in terms of legislation applicable immediately before the date of commencement of this By-law; provided that if the installation or part thereof is defective, or in such a condition or position to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of this By-law within a specified and reasonable period.
- (4) The municipality may reasonably amend the conditions of any approval or authorization issued before commencement of this By-law to be aligned with the conditions of this By-law as amended from time to time.

121 Repeal of Existing Municipal Water Services By-laws

The Water and Sanitation Services By-law promulgated in Provincial Gazette 6687 dated 15 January 2010 is hereby repealed water

122 Short Title and Commencement

This By-law is called the George Municipality Water Supply and Sanitation Services By-law 2023, and shall commence on the date of publication thereof in the Provincial Gazette.

Schedule A: limits of concentrations of substances that may be discharged into the George municipality's sanitation system

(1) No person shall discharge effluent into the sewerage system which has—

Parameter	Allowed Specifications	Units
a temperature at the point of entry in excess of;	43°	C
a pH greater than 10,0 or less than 6,0;	6,0–10,0	
Chemical oxygen demand (COD) greater than	3 000	mg/L
Electrical conductivity—not greater than	250	m S/m at 25 °C
Caustic alkalinity (expressed as CaCO ₃)	1 000	mg/L
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000(400)	mg/L
Substances soluble in petroleum ether	500	mg/L
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50(5)	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
All sugars and/or starch (expressed as glucose)		
Available chlorine (expressed as Cl)	1 500	mg/L
Sulphates (expressed as SO ₄)	100(10)	mg/L
Fluoride-containing compounds (expressed as F)	1 800(500)	mg/L
Anionic surface active agents	5	mg/L
	500	mg/L

- (2) No person shall discharge effluent into the sewerage system which contains a substance, either alone or in combination with other substances, having a concentration in excess of those listed below.

(a) Chemical Substances other than metals		
Parameter	Allowed specifications	Units
Fats, vegetable oil and like substances	400	mg/L
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)	5	mg/L
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)	20	mg/L
Sulphates (expressed as SO ₄)	500	mg/L
Suspended solids	1 000	mg/L
Tar products and distillates	50	mg/L
Chloride (expressed as Cl)	1 000	mg/L
(b) Metals		
Group 1		
Chromium (hexavalent)	0	mg/L
Chromium (trivalent)(expressed as CrO ₃)	10	mg/L
Copper (expressed as Cu)	10	mg/L
Manganese (expressed as Mn)	20	mg/L
Nickel (expressed as Ni)	5	mg/L
Zinc (expressed as Zn)	20	mg/L
Iron (expressed as Fe)	20	mg/L
Silver	5	mg/L
Cobalt	5	mg/L
Tungsten	5	mg/L
Titanium	5	mg/L
Cadmium	5	mg/L
<i>Total collective concentration of all metals in Group 1</i>	50	mg/L
Group 2		
Arsenic (expressed as As)	5	mg/L
Boron (expressed as B)	5	mg/L
Lead (expressed as Pb)	5	mg/L
Selenium (expressed as Se)	5	mg/L
Mercury (expressed as Hg)	5	mg/L
Cadmium (expressed as Cd)	5	mg/L
<i>Total collective concentration of all metals in Group 2</i>	10	mg/L
(c) Radio-active wastes		
Any radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

- 3 No person shall discharge effluent into the sewerage system which
- (a) whether or not it is listed in the Effluent standards or which either alone or in combination with other matter, may—
 - (i) generate or constitute a toxic substance dangerous to the health of persons employed in the maintenance or operation of the seweragesystem;
 - (ii) be harmful to the sewerage system, or
 - (iii) adversely affect any of the processes whereby sewage is normally treated or the re-use of purified sewage effluent or the disposal of solids arising from the treatment process;
 - (b) is in the form of steam at the point of entry into the sewerage system;
 - (c) contains any substance of whatever nature likely to produce or give off explosive, inflammable, poisonous or offensive gases in such sewerage system;
 - (d) shows any visible signs of oil, tar or associated products or distillates, bitumen's or asphalts or their emulsions, or emulsions of oil or grease or fats
 - (e) contains any solids which may in the opinion of the local authority have an effect on the sewerage system;
 - (f) contains any solvent immiscible in water;
 - (g) contains dye or dye residues;
 - (h) contains any substances in such concentration as may in the opinion of the local authority interfere with the sewerage system or adversely affect the quality of reclaimed water;
 - (i) contains any non-biodegradable substance (e.g. blood) or
 - (j) contains storm water or ground water.

Schedule B: Application form for the discharge of industrial effluent to the george municipality's sanitation system



<i>For official usage only</i>
Payment received
YES/NO

GEORGE MUNICIPALITY

DEPARTMENT OF CIVIL ENGINEERING SERVICES

PERMIT APPLICATION

TO DISCHARGE A TRADE
OR INDUSTRIAL
EFFLUENT INTO THE
SEWERAGE SYSTEM

ISSUED IN TERMS OF THE GEORGE MUNICIPALITY WATER AND SANITATION BY-LAW

Senior Manager:
Civil Engineering
Services George
Municipality
P.O.Box 19
GEORGE 6530
Tel: (044) 801 9113
Fax: (044) 801 9145
E-mail: civilinfo@george.org.za

Part 1: Nature of the business or industry concern**1. Business**

REGISTERED NAME OF THE BUSINESS/GEREGISTREERDE NAAM VAN BESIGHEID			
STREET NAME/STRAAT NAAM	POSTAL ADDRESS/POSADRES	ERF NO. ERF NR.	ALLOTMENT AREA TOEWYSINGSGEBIED
AUTHORISED PROCESSES FOR THE PREMISES/GEMAGTIGDE PROSESSE VIR PERSEEL			

Part 2: Information relating to water consumption

Average number of kilolitre per month of water purchased from the Municipality the past six months

WATER CONSUMPTION	TOTAL
WATER PURCHASED FROM THE MUNICIPALITY	
WATER FROM BOREHOLE OR OTHER SOURCES	
WATER ENTERING WITH RAW MATERIALS	
TOTAL A	

Effluent Discharge rate

EFFLUENT DISCHARGE RATE/UITVLOEISELAFVOERTEMPO				
NUMBER OF DISCHARGE POINTS/GETAL LEWERINGSPUNTE				
CONNECTION POSITION VERBINDINGSPUNT		MAXIMUM RATE IN kl/MAKSIMUM TEMPO IN kl		
		PER MONTH PER MAAND	PER DAY PER DAG	PER HOUR PER UUR
1				
2				
3				
4				

Effluent Discharge factor

EFFLUENT DISCHARGE FACTOR/UITVLOEISELAFVOERFAKTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER GEDEELTE VAN GEMETERDE WATER NIE NA RIOOLSTELSEL TOE NIE	
FRACTION OF METERED WATER TO SEWER GEDEELTE VAN GEMETERDE WATER NARIOOLSTELSEL	

In the event that no effluent meter is installed on the premises, the estimated volume of unmetered effluent discharge will be calculated as follows: 90% of Total A, except if otherwise agreed with the municipality

Part 3: Information regarding the composition of the industrial effluent

Information relating to the chemical and physical characteristics of the effluent to be discharged

Parameter	Discharge characteristics	Units
Temperature at the point of entry in excess of;		C
pH		
Chemical oxygen demand (COD)		mg/L
Electrical conductivity		mS/m at 25 °C
Caustic alkalinity (expressed as CaCO ₃)		mg/L
Substance not in solution (including fat, oil, grease waxes and like substances)		mg/L
Substances soluble in petroleum ether		mg/L
Sulphides, hydro-sulphides and polysulphides (expressed as S)		mg/L
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)		mg/L
Formaldehyde (expressed as HCHO)		mg/L
Non-organic solids in suspension		mg/L
All sugars and/or starch (expressed as glucose)		mg/L
Available chlorine (expressed as Cl)		mg/L
Sulphates (expressed as SO ₄)		mg/L
Fluoride-containing compounds (expressed as F)		mg/L
Anionic surface active agents		mg/L

2(a) Chemical Substances other than metals		
Parameter	Allowed specifications	Units
Fats, vegetable oil and like substances		mg/L
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)		mg/L
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)		mg/L
Sulphates (expressed as SO ₄)		mg/L
Suspended solids		mg/L
Tar products and distillates		mg/L
Chloride (expressed as Cl)		mg/L
(b) Metals		
Group 1		
Chromium (hexavalent)		mg/L
Chromium (trivalent)(expressed as CrO ₃)		mg/L
Copper (expressed as Cu)		mg/L
Manganese (expressed as Mn)		mg/L
Nickel (expressed as Ni)		mg/L
Zinc (expressed as Zn)		mg/L
Iron (expressed as Fe)		mg/L
Silver		mg/L
Cobalt		mg/L
Tungsten		mg/L
Titanium		mg/L
Cadmium		mg/L
<i>Total collective concentration of all metals in Group 1</i>		mg/L
Group 2		
Arsenic (expressed as As)		mg/L
Boron (expressed as B)		mg/L
Lead (expressed as Pb)		mg/L
Selenium (expressed as Se)		mg/L
Mercury (expressed as Hg)		mg/L
Cadmium (expressed as Cd)		mg/L
<i>Total collective concentration of all metals in Group 2</i>		mg/L
(c) Radio-active wastes		
Any radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

Part 4: Conditions Relating to the Acceptance of Industrial Effluent

1. On submission of the permit application the applicant must pay the necessary application costs as stipulated in the municipal tariff list. Copy of the payment receipt must accompany the application.
2. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation network.
3. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
4. The applicant shall, in addition to complying with the provisions of the municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any directive/instructive/guideline concerned with such protection given by the Engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
5. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him.
6. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and half to an independent laboratory/analyst for the applicants cost. The applicant must submit to the Engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may approve.
7. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
8. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

Thus done at

by the applicant this day of20

Signature	:
Name of responsible person	:
Capacity	:
Telephone No	:
Fax No	:
Cell No	:
E-mail	:

Schedule C: Formula for the calculation of effluent discharges George Municipality

The additional charge for industrial effluent for the disposal of high strength sewage to a waste water treatment plant shall be determined in accordance with the following formula:

OPTION 3: Based on the WRC report 854/1/02

The additional charge for industrial effluent for the disposal of high strength sewage to a waste water treatment plant shall be determined in accordance with the following formula:

$$T_c = V_i[X + Y(\text{COD}_i/\text{COD}_w) + Z] + \text{Penalty}$$

Where	T_c	=	Extraordinary treatment cost to
	V	=	consumer per month Volume
	I	=	discharge by industry in kL per
	X		month
			Conveyance cost per kL
		=	CC / VA
	Conveyance	=	The transport of effluent or any liquid waste in the bulk or external sewer network from the point of discharge to the inlet of the of the treatment works
	CC	=	The operation and maintenance expenditure towards the conveyance of the waste water in kL per annum
	VA	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
	Y	=	Variable treatment costs per kL
		=	CT / VA
	Variable Treatment costs	=	These costs are defined as expenditure that does vary significantly with volume and COD loading
	CT	=	The operation and maintenance expenditure towards the treatment of the waste water in kL per annum
	VA	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
	COD_i	=	Average of each industria, inclusive of both biodegradable and non- biodegradable portion of COD
	COD_w	=	Average of works (weighted for more than one works), inclusive of both biodegradable and non-biodegradable portion of COD
	Z	=	Fixed Costs per kL
		=	CF/VA

Fixed Costs	=	These costs are defined as expenditure that does not vary significantly during a particular financial year and which is not affected by COD loading
CF	=	Fixed cost expenditure towards the treatment of the waste water in kL per annum
VA	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
Penalty	=	Penalty per day charged in addition to the effluent charge based on volume and COD, for prohibited effluents, for instances where COD _i of the effluent exceeds 4000mg/L or where any other quality parameter exceeds the maximum value allowed according to Annexure A of the by-laws, as contained in the permit for the industry
	=	$P \times (\text{value measured}/\text{maximum allowed}) \times \text{maximum daily flow}$
P	=	Unit penalty charge as determined by Council

Schedule D: Permit issued to allow the discharge of trade or industrial effluent into the sewerage



DATE/DATUM

PERMIT NO/NR

GEORGE MUNICIPALITY

DEPARTMENT OF CIVIL ENGINEERING SERVICES

PERMIT

TO DISCHARGE A TRADE OR INDUSTRIAL EFFLUENT INTO
THE SEWERAGE SYSTEM*Valid for three years after issue*

ISSUED IN TERMS OF THE GEORGE MUNICIPALITY WATER AND SANITATION BY-LAW

Senior Manager: Civil
Engineering Services
George Municipality
P O Box 19 George 6530

Tel: (044) 801 9113
Fax: (044) 801 9145
E-mail: george@george.org.za

PERMIT TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM



DATE/DATUM

PERMIT NO/NR

Nature of the Business or Industry Concern

REGISTERED NAME OF THE BUSINESS/GEREGISTREERDE NAAM VAN BESIGHEID			
STREET NAME/ STRAAT NAAM	POSTAL ADDRESS/ POSADRES	ERF NO. ERF NR.	ALLOTMENT AREA TOEWYSINGSGE BIED
AUTHORISED PROCESSES FOR THE PREMISES/GEMAGTIGDE PROSESSE VIR PERSEEL			

Effluent Discharge rate

EFFLUENT DISCHARGE RATE/UITVLOEISELAFVOERTEMPO				
NUMBER OF DISCHARGE POINTS/ GETAL LEWERINGSPUNTE				
CONNECTION POSITION VERBINDINGSPU NT		MAXIMUM RATE IN kl/MAKSIMUM TEMPO IN kl		
		PER MONTH PER MAAND	PER DAY PER DAG	PER HOUR PER UUR
1				
2				
3				
4				

Effluent Discharge factor

EFFLUENT DISCHARGE FACTOR/UITVLOEISELAFVOERFAKTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER GEDEELTE VAN GEMETERDE WATER NIENA RIOOLSTELSEL	
FRACTION OF METERED WATER TO SEWER GEDEELTE VAN GEMETERDE WATER NARIOOLSTELSEL	

PRETREATMENT REQUIRED
BEFORE ACCEPTANCE
VOORAFBEHANDELING VEREIS VOOR

Removal of settleable
solids Fat, oil and grease
removal

Any further treatment as may be deemed necessary when more information on the composition of the effluent being discharged is available after sampling and analysis

Special steps should be taken to ensure that no sea water can enter the municipal sewerage system.

PHYSICAL AND CHEMICAL CONDITIONS REQUIRED BEFORE EFFLUENT ACCEPTANCE FISIESE EN CHEMIESE TOESTANDE VEREIS VOOR AANNAME VAN UITVLOEISEL		
<i>SUBSTANCES ACCEPTABLE IN LIMITED CONCENTRATIONS ONLY STOWWE ALLEENLIK IN BEPERKTE KONSENTRASIES AANVAARBAAR</i>		
No person shall discharge effluent into the sewerage system which has—		
Parameter	Allowed Specifications	Units
a temperature at the point of entry in excess of;	43 ⁰	C
a pH greater than 10,0 or less than 6,0;	6,0–10,0	
Chemical oxygen demand (COD) greater than	3 000	mg/ .
Electrical conductivity—not greater than	250	m S/m at 25 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000	mg/L
Substance 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
All sugars and/or starch (expressed as glucose)	1 500	mg/L
Available chlorine (expressed as Cl)	100	mg/L
Sulphates (expressed as SO ₄)	1 800	mg/L
Fluoride-containing compounds (expressed as F)	5	mg/L
Anionic surface active agents	500	mg/L

No person shall discharge effluent into the sewerage system which contains a substance, either alone or in combination with other substances, having a concentration in excess of those listed below.		
(a) Chemical Substances other than metals		
Parameter	Allowed specifications	Units
Fats, vegetable oil and like substances	400	mg/L
Sulphides, or substances from which hydrogen sulphide can be liberated (expressed as S)	5	mg/L
Cyanides or substances from which hydrogen cyanide can be liberated (expressed as HCN)	20	mg/L
Sulphates (expressed as SO ₄)	500	mg/L
Suspended solids	1 000	mg/L
Tar products and distillates	50	mg/L
Chloride (expressed as Cl)	1 000	mg/L
(b) Metals		
Group 1		
Chromium (hexavalent)	0	mg/L
Chromium (trivalent)(expressed as CrO ₃)	10	mg/L
Copper (expressed as Cu)	10	mg/L
Manganese (expressed as Mn)	20	mg/L
Nickel (expressed as Ni)	5	mg/L
Zinc (expressed as Zn)	20	mg/L
Iron (expressed as Fe)	20	mg/L
Silver	5	mg/L
Cobalt	5	mg/L
Tungsten	5	mg/L
Titanium	5	mg/L
Cadmium	5	mg/L
<i>Total collective concentration of all metals in Group 1</i>	50	mg/L
Group 2		
Arsenic (expressed as As)	5	mg/L
Boron (expressed as B)	5	mg/L
Lead (expressed as Pb)	5	mg/L
Selenium (expressed as Se)	5	mg/L
Mercury (expressed as Hg)	5	mg/L
Cadmium (expressed as Cd)	5	mg/L
<i>Total collective concentration of all metals in Group 2</i>	10	mg/L
(c) Radio-active wastes		
Any radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

PROHIBITED EFFLUENTS/VERBODE UITVLOEISELS

No person shall discharge effluent into the sewerage system which

- (a) whether or not it is listed in the Effluent standards or which either alone or in combination with other matter, may—
 - (i) generate or constitute a toxic substance dangerous to the health of persons employed in the maintenance or operation of the sewerage system;
 - (ii) be harmful to the sewerage system, or
 - (iii) adversely affect any of the processes whereby sewage is normally treated or the re-use of purified sewage effluent or the disposal of solids arising from the treatment process;
- (b) is in the form of steam at the point of entry into the sewerage system;
- (c) contains any substance of whatever nature likely to produce or give off explosive, inflammable, poisonous or offensive gases in such sewerage system;
- (d) shows any visible signs of oil, tar or associated products or distillates, bitumen's or asphalts or their emulsions, or emulsions of oil or grease or fats
- (e) contains any solids which may in the opinion of the local authority have an effect on the sewerage system;
- (f) contains any solvent immiscible in water;
- (g) contains dye or dye residues;
- (h) contains any substances in such concentration as may in the opinion of the local authority interfere with the sewerage system or adversely affect the quality of reclaimed water;
- (i) contains any non-biodegradable substance (e.g. blood) or
- (j) Contains stormwater or ground water.

SPECIAL CONDITIONS FOR THIS PERMIT

The permit holder shall install and maintain at its own cost a suitable flow measuring device, on all lines discharging industrial effluent to the municipality's sewer system, to measure the volumes. The proposed flow measuring device shall be to the satisfaction and approval of the Senior Manager: Civil Engineering services.

All chemical analysis is for the cost of the permit holder

INDEMNIFICATION OF THE LOCAL AUTHORITY/VRYWARING VAN DIE PLAASLIKE OWERHEID

A permit holder shall indemnify the local authority against all claims which may be brought or instituted against it for damage to property or injury or death of persons as a result of the discharge of effluent.

CONDITIONS OF ISSUE/VOORWAARDES VAN UITREIKING

This permit is issued in terms of the George Municipality Water Services By-Law and is subject to the conditions stated therein.

Signature	:
Name	: DIRECTOR: CIVIL ENGINEERING SERVICES
Capacity	: SENIOR MANAGER: CIVIL ENGINEERING SERVICES
Date	:

RESPONSIBLE PERSON/VERANTWOORDELIKE PERSOON

NAME/NAAM	TELEPHONE NO/ TELEFOON NR	FAX NO/ FAKS NR	CELL NO./ SEL NR	E-MAIL ADDRESS/ EPOS ADRES

REGISTERED NAME OF THE BUSINESS/GEREGISTREERDE NAAM VAN BESIGHEID

STREET NAME/ STRAAT NAAM	POSTAL ADDRESS/ POSADRES	ERF NO. ERF NR.	ALLOTMENT AREA TOEWYSINGSG EBIED

RESPONSIBLE PERSON/VERANTWOORDELIKE PERSOON

NAME/ NAAM	TELEPHONE NO/TELEFOON NR	FAX NO/ FAKS NR	CELL NO./ SEL NR	E-MAIL ADDRESS/ EPOS ADRES

AUTHORISED PROCESSES FOR THE PREMISES/GEMAGTIGDE PROSESSE VIR PERSEEL

GEORGE MUNICIPALITY

WATER SERVICES BY-LAW TO RESTRICT THE USE OF WATER

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.11, resolved to pass the Water Services By-Law to restrict the use of water as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

WATER SERVICES BY-LAW TO RESTRICT THE USE OF WATER

1. DEFINITION

In this by-law, unless the context indicate otherwise—

“**Council**” means the George Municipal Council and includes any authorised committee, functionary of official;

“**consumer**” means any end user who receives water from Council, including an end user in an informal settlement;

“**emergency situation**” means any situation declared as such in terms of a law, or which requires the immediate reduction of water supply to consumers to ensure the provision of basic water supply services by the municipality;

“**water supply services**” means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use or water for industrial use.

2. LIMITATION OR RESTRICTION OF WATER SUPPLY SERVICES

- (1) Council may limit or restrict the provision of water supply services or the use of water where—
 - (a) national disasters, regional or local disasters cause disruptions in the provision of services; or
 - (b) sufficient water is not available for any other reason.
- (2) Council may differentiate between types of consumers within the Municipal area.
- (3) Council may determine the form and manner in which the limitation, restriction or use will apply.
- (4) Council must, if it intends limiting or restricting the provision of water supply services or the use of water in terms of subsection (1), do so in accordance with the procedure set out in section 4, unless—
 - (a) other consumers would be prejudiced thereby;
 - (b) there is an emergency situation; or
 - (c) it intends applying the limitation or restriction in respect of an individual consumer who has interfered with a limited or discontinued service.
- (5) The restrictions imposed in terms of this section will take effect from the date of the Council resolution, or from such other date which council may determine.

3. MEASURES FOR THE PROMOTION OF WATER CONSERVATION

Council may impose measures to limit or restrict the use of water for the promotion of water conservation and must do so in accordance with the procedure set out in section 4.

4. PROCEDURE

- (1) After Council has determined that it wishes to limit or restrict the supply of water services or the use of water in terms of section 2, or wishes to impose measures to restrict the use of water for the promotion of water conservation in terms of section 3, Council must immediately cause to be conspicuously displayed at a place installed for this purpose at the offices of Council as well as at such other places within the Municipal Area as may be determined by Council, a notice stating—
 - (a) the general purpose of the intended limitation, restriction or water conservation measures, if known;
 - (i) the duration of the limitation, restriction or water conservation measures; if known;
 - (ii) the particular use of water to be limited or in respect of which water conservation measures are to be applied;
 - (iii) the area in which the limitation, restriction or water conservation measures are to be applied, if they are not applicable throughout the Municipal Area;
 - (iv) the circumstances in which the proposed limitation, restriction or water conservation measures are to be applied, if they are not generally applicable;
 - (b) the date on which the limitation, restriction or water conservation measures shall come into operation;
 - (c) the date on which the notice is first displayed;
 - (d) the penalties which will be imposed for contravention of the notice;
 - (e) that any person who wishes to object to the intended limitation, restriction or water conservation measures must do so in writing within 14 calendar days after the date on which the notice is first displayed.
- (2) Council must also immediately cause a copy of the notice referred to in subsection (1) to be published as per the provisions of Section 21 of the Municipal Systems Act, 32 of 2000
- (3) Where—
 - (a) no objection is received within the period referred to in subsection (1)(e), the limitation, restriction or water conservation measures shall come into operation on the date contemplated in subsection (1)(b);
 - (b) an objection is received within the period referred to in subsection (1)(e), Council must consider every objection and may amend or withdraw the intended limitation, restriction or water conservation measures and may determine a date other than the date contemplated in subsection (1)(b) on which the limitation, restriction or water conservation measures shall come into operation, whereupon it shall cause a copy of the notice referred to in subsection (1), with the necessary changes, to be published in the press in the manner determined by Council and any limitation, restriction or water conservation measure will apply from such other date.
- (4) The provisions of this section are not applicable under the circumstances mentioned in section 2(4)(a) to (c).

5. EXEMPTIONS

Any person may apply in writing for exemption from the provisions of any notice published in terms of this By-Law and Council may grant exemption and impose conditions in respect of the exemption.

6. REPEAL

The George Municipality Water Services By-law to Limit or Restrict the Use of Water, promulgated in Provincial Gazette 6689 dated 22 January 2010, is hereby repealed.

7. OFFENCES AND PENALTIES

Any person who contravenes the terms of any notice issued under this By-law is guilty of an offence and is liable to payment of a fine or imprisonment or both.

8. SHORT TITLE AND COMMENCEMENT

This By-law is known as the George Municipality Water services By-law to Restrict or Limit the Use of Water and will come into effect from the date of promulgation thereof in the Provincial Gazette.
