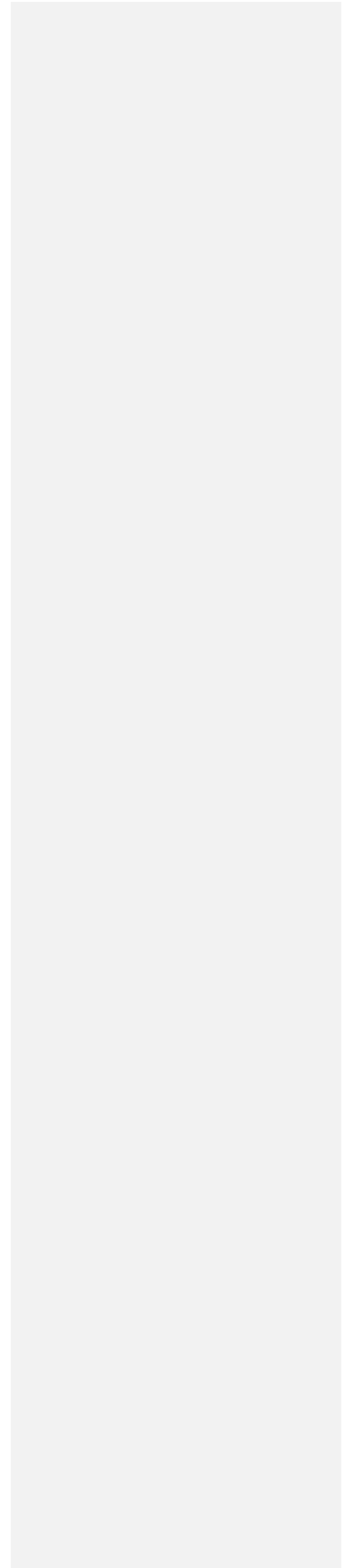


**CITY OF CAPE TOWN**

**DRAFT WATER BY-LAW, 2009**



**City of Cape Town**

**Draft Water By-law, 2009**

***To repeal the City of Cape Town: Water By-law of 2006; to provide for the control and regulation of water services in the City; and to provide for matters incidental thereto.***

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**BE IT ENACTED** by the Council of the City of Cape Town, as follows:-

**CHAPTER 1**

**DEFINITIONS AND GENERAL PROVISIONS**

**Definitions**

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

“**authorized official**” means an official of the City responsible for the implementation and enforcement of the provisions of this By-law;

“**basic water supply**” means the minimum standards of water supply services necessary for the reliable supply of water to households to support life and personal hygiene prescribed in terms of the Water Services Act, 1997(Act No. 108 of 1997);

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

“**City**” means the City of Cape Town established by Notice No. 479 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**City Manager**” means a person appointed by the Council as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998);

“**connection pipe**” means a pipe, the ownership of which is vested in the City 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 10252: 2004 Part 1;

**“consumer”** means any person using water from any installation connected to a connection pipe which is supplied with water from a main;

**“Council”** means the Council of the City or any political structure, political office bearer, Councilor or staff member of the City, duly authorised by delegation;

**“Credit Control and Debt Collection By-Law”** means the City of Cape Town: Credit Control and Debt Collection By-law, 2006;

**“domestic purposes”** in relation to the supply of water means water supplied for drinking, ablution and culinary purposes excluding toilets and urinals;

**“Director”** means an employee responsible for water and sanitation in the City;

**“health nuisance”** means a situation or state of affairs that endangers life or health, or adversely affects the well-being or mental well-being of a person or community, or creates an environmental risk, and **“health hazard”** has a corresponding meaning;

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

**“main”** means a pipe, other than a communication pipe, the ownership of which is vested in the City and used by it for the purpose of conveying water to consumers;

**“meter”** means a device which measures the quantity of water passing through it;

**“occupier”** means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

**“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 Council 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 10 years or longer has been entered into, the lessee thereof;
- (e) the person who has purchased immovable property from the City, in terms of a scheme that allows for the purchase price to be paid in installments and who has not received transfer from the City;

- (f) 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, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

**“person”** includes a juristic person;

**“pollution”** means the direct or indirect alteration of the physical, chemical or biological properties of a water resource 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 organisms;
  - (iii) to the resource quality; or
  - (iv) to property;

**“public notice”** means a notice published in a newspaper in three official languages of the City;

**“publish”** means -

- (a) to publish a notice in the *Provincial Gazette*;
- (b) to provide interested parties with copies of such publication; and
- (c) to post the notice so published on the notice boards of the City;

**“prescribed charge”** means a fee, charge or tariff determined and imposed by the Council in terms of the Tariff By-law;

**“SABS”** means the South African Bureau of Standards referred to in the Standards Act, 1993 (Act No. 29 of 1993);

**“SANS”** means a standard which has been set and issued by the SABS in terms of the provisions of the Standards Act, 1993 (Act No. 29 of 1993);

**“service pipe”** means a pipe which is part of a water installation and is installed between the communication pipe and the meter;

**“storage tank”** means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;

**“Tariff By-law”** means the City of Cape Town: Tariff By-law, 2007;

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

**“water”** means potable water unless otherwise stated;

**“water conservation”** means the act of saving or using water in an efficient manner;

**“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) a pipe and water fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the City; and
- (b) a **“consumer installation”** as defined in section 1 of the Water Services Act, 1997 (Act No. 108 of 1997);

**“water management device”** means a device that controls the quantity of water flowing through a water meter over a certain time period;

**“water services”** means **“water services”** as defined in section 1 of the Water Services Act, 1997 (Act No. 108 of 1997), and includes the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial and industrial use;

**“water services facility”** means any land on which there is infrastructure installed or used by the City, or a catchment area in connection with the supply of water;

**“water services intermediary”** means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;

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

**“well-point”** means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water.

### **Application and purpose**

2. (1) This By-law applies to all premises situated within the jurisdiction of the City.

(2) Unless the contrary is proved, a breach of this By-law committed on premises in respect of the -

- (a) water installation, other than a provision relating to the use of water in the installation, is deemed to be a breach by the owner of the premises; and
- (b) use of water from a water installation is deemed to be a breach by the consumer.

(3) No owner is required to comply with this By-law by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this By-law.

(4) Water may only be supplied within the area of jurisdiction of the City in terms of the provisions of this By-law.

(5) The Director may, in consultation with the Executive Director City Health, where it is not reasonably possible or cost effective to supply water to each consumer within a particular area, determine an alternative manner of water supply.

(6) Where the Director has determined an alternative manner of water supply in terms of subsection (5), this By-law applies to the supply of water to such area, subject to such conditions as he or she may determine.

(7) Where the City makes use of an external water services provider, this By-law remains applicable and the Council remains the regulating authority.

### **Powers of the Director**

3. (1) The Director may, by notice in writing, require the owner to comply with the provisions of this By-law within a specified period, if the water installation or a part thereof on premises –

- (a) is defective;
- (b) is in a condition or position which causes or is likely to cause waste or undue consumption of water; or
- (c) is in a condition or position which causes or is likely to cause pollution of the water supply or a health or safety hazard.

(2) The Director must consult with the Executive Director City Health in all matters where there is a likelihood of a health hazard or environmental pollution.

(3) If the Director has reason to believe that a water installation may be defective in a way that may pose or become a health or safety risk to the occupants of the premises, he or she may require that the water installation be tested or disinfected at the cost of the owner.

(4) The Director may, for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time -

- (a) enter any premises;
- (b) request information;
- (c) carry out such inspection and examination as he or she may deem necessary; and
- (d) for such purpose, operate any water fitting of the water installation.

#### **Service levels**

4. (1) The City 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 consumers.

(2) The City may in determining service levels differentiate between types of consumers, geographical areas and socio-economic areas.

(3) The following levels of service may, subject to subsection (1), be provided by the City:

- (a) communal water supply services—
  - (i) constituting the minimum level of service provided by the City;
  - (ii) consisting of reticulated standpipes or stationary water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household;
  - (iii) installed free of charge;
  - (iv) provided free of any charge to consumers; and
  - (v) maintained by the City.
- (b) yard connection not connected to any water installation—
  - (i) consisting of an un-metered standpipe on premises not connected to any water installation;
  - (ii) installed free of charge; and

- (iii) maintained by the City.
- (c) a metered pressured water connection—
  - (i) installed against payment of the prescribed charges;
  - (ii) provided against payment of the prescribed charges; and
  - (iii) with the water installations maintained by the consumer.

#### **Delegation**

5. The Director or an authorized official may, subject to the approval of the Director, delegate any of his or her powers or assign any of his or her duties conferred or imposed on him or her by this By-law to any other official of the City.

#### **Entry upon water services facilities**

6. A person who enters upon a water services facility must comply with any instruction of the Director for use and conditions of entry to the site displayed by means of a notice at the entrance.

#### **Imminent emergencies and situations that require immediate action**

7.(1) The Director may, in cases of imminent emergencies or situations that require immediate action, take any reasonable measures to prevent or eradicate such imminent emergencies or situations.

(2) When an imminent emergency or situation as contemplated in subsection (1) occurs on private property, the Director may-

- (a) by written notice, direct the owner to take such measures as may be necessary to prevent or eradicate the imminent emergency or the situation; or
- (b) in the event that the owner cannot be found or fails to immediately comply with a directive of the Director, take such measures as may be deemed necessary to prevent or eradicate the imminent emergency or the situation.

(3) In the event where the emergency emanates from a water installation, the owner of such water installation is liable for the costs incurred by the City.

(4) In the case of action taken as contemplated in subsection (2)(b), the Director must report the matter to the City Manager without delay.

(5) If action is necessary as a matter of urgency to prevent wastage of water, damage to property, danger to life or pollution of water, the Director may -

- (a) without prior notice, cut off the supply of water to any premises; and

- (b) enter such premises and do such emergency work, at the cost of the owner, and in addition by written notice, require the owner to do such further work as he or she may deem necessary within a specified period.

### **Duties of the public**

8.(1) Any member of the public must, on becoming aware of any emergency, imminent situation that requires immediate attention or a situation that may give rise to the wastage of water or pollution, inform the Director immediately.

(2) Any person who informs the Director as contemplated in subsection (1) and who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

### **Recovery of costs**

9.(1) Any person committing a breach of the provisions of this By-law is liable to compensate the City for any loss or damage suffered or sustained by it in consequence of such breach.

(2) The City may recover any costs reasonably incurred in taking any measures in terms of this By-law from any person who was under a legal obligation to take those measures, including-

- (a) a person to whom a compliance notice was served;
- (b) the owner of the premises concerned; or
- (c) the consumer.

(3) The Director may issue a notice requiring a person who is liable to pay costs incurred in terms of subsection (1), to pay such costs by a date specified in the notice and such notice constitutes *prima facie* evidence of the amount due.

### **Compliance notices**

10.(1) When an authorized official finds that a provision of this By-law is contravened or that a condition has arisen that has the potential to lead to a contravention of this By-law, such authorized official may issue a compliance notice to the consumer or owner concerned or person who is contravening or likely to contravene the provisions of this By-law.

(2) A compliance notice issued in terms of subsection (1) must state the-

- (a) provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
- (b) measures that must be taken to rectify the condition; and

(c) time period in which such notice must be complied with.

(3) If a person to whom a compliance notice was served in terms of subsection (2) fails to comply with the requirements of such notice, the authorized official may take such steps as may be necessary to rectify the condition at the cost of the person responsible, or take any other action deemed necessary to ensure compliance.

#### **Responsibility for compliance with By-law**

11.(1) The owner is responsible for ensuring compliance with this By-law in respect of all or any matters relating to the water installation and the maintenance thereof.

(2) The consumer is responsible for compliance with this By-law in respect of matters relating to the use of any water.

### **CHAPTER 2**

#### **PROVISIONS RELATING TO THE SUPPLY OF WATER**

##### **Unauthorized use of water**

12.(1) No person may use water from the water supply system -

- (a) unless an agreement referred to in section 13 or 14 has been concluded;
- (b) except through a communication pipe provided in terms of section 20 or from a hydrant in terms of section 29; or
- (c) except through a metered water supply point specifically installed by the City for the supply of water.

(2) Where theft of water has taken place, the Director may-

- (a) if such water did not pass through a meter installed or provided by the City, use any reasonable method of calculating the period during which proven theft of water took place; and
- (b) determine the amount of water for which the City can claim compensation where proven theft has taken place.

(3) The Director must use the maximum flow rate of a water meter that complies with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973), and of the same size in diameter as the pipe from which the unauthorised water was drawn.

### **Application for supply of water**

13. (1) Water from the water supply system will not be supplied to any premises unless the owner has applied to the City for a supply and such application has been approved by the Director.

(2) An application for the supply of water approved by the Director constitutes an agreement between the City and the owner and takes effect on the date referred to in the application.

(3) The owner is liable for all the fees in respect of the supply of water determined in terms of the Tariff By-law until the supply has been interrupted at the request of the owner, or the agreement has been terminated in terms of section 17, and the owner is deemed to be the consumer for all purposes during the currency of the agreement.

(4) An application must contain at least the following information:

- (a) a declaration that the applicant is aware of and understands the contents of the agreement;
- (b) acceptance by the applicant of the provisions of this By-law and acceptance of liability for the cost of the supply of water until the agreement is terminated;
- (c) the name of the applicant and his or her identity number;
- (d) the address or erf number of the premises to or on which water is to be supplied;
- (e) the address where accounts must be sent;
- (f) the purpose for which the water is to be used;
- (g) the agreed date on which the supply of water will commence; and
- (h) an undertaking by the applicant to inform the City of any change in regard to any of the above.

(5) Water is supplied subject to the provisions of this By-law and the conditions imposed by the Director.

(6) Where the purpose for which the water applied for in terms of subsection (4)(f), or the extent to which the water is applied for is changed, the owner must promptly, in addition to advising the City of the change, enter into a new agreement with the City.

### **Special agreements for supply of water**

14. (1) The City may enter into a special agreement for the supply of water to an applicant outside the City.

(2) If the City agrees to supply water to an applicant outside the City as contemplated in subsection (1), it may permit such applicant to sell such water to other persons, subject to such conditions as it may deem fit.

### **Pipes in streets or public places**

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

### **Fees**

16. All fees payable and related to the supply of water by the City must be in accordance with the Tariff By-law.

### **Termination of agreements**

17. (1) An owner may terminate an agreement for the provision of water services by giving the City not less than seven days' notice in writing of his or her intention to do so.

(2) The Director may, by notice in writing of not less than 14 days, advise an owner of the termination of his or her agreement for the supply of water if such owner—

- (a) has not used water during the preceding six months and has not made arrangements to the satisfaction of the Director for the continuation of the agreement;
- (b) has failed to comply with the provisions of this By-law and has failed to rectify such failure to comply following the issue of a notice; or
- (c) has failed to pay any fees due and payable in terms of the Tariff By-law.

(3) The Director may terminate an agreement for the supply of water if the premises to which such agreement relates have been vacated.

### **Interference with the water supply system**

18. Unless authorized in terms of this By-law, no person other than the City may-

- (a) manage, operate or maintain infrastructure for the provision of water services; or

- (b) effect a connection to the water supply system.

### **Obstruction of access to the water supply system**

**19.** No person may prevent or restrict the access of officials of the City to the water supply system.

### **Provision of communication pipe**

**20.** (1) No person may commence any development on any premises unless the Director has installed a connection pipe and meter.

(2) If an agreement for a supply of water in respect of premises has been concluded and no communication pipe or appropriately sized communication pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed charge as determined in terms of the Tariff By-law for the installation of such a pipe.

(3) The Director may determine the-

- (a) diameter of the communication pipe on information provided by the applicant at the time of the application;
- (b) position of the communication pipe;
- (c) point of termination of the communication pipe within the boundary of the land owned by the City, or over which it has a servitude or other right;
- (d) type of joint which must be used to effect the connection; and
- (e) material of which that portion of the water installation between the communication pipe and the isolating valve of the owner, referred to in section **50**, must be made, and the method of installation of such portion.

(4) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Director may agree to the extension subject to such conditions as he or she may impose.

(5) Unless otherwise stipulated by the Director, the owner must, at his or her own cost, effect the connection between the water installation and the communication pipe or pipes serving the premises.

(6) The owner must secure the portion of the water installation referred to in subsection (3)(e) against movement.

(7) Unless otherwise agreed to by the Director, only one communication pipe may be provided to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(8) The Director may agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is readily available for the provision of water supply to the premises, provided that the owner is responsible for any extension of the water installation to the connecting point designated and agreed to by the Director and for obtaining at his or her cost, such servitudes over other property as may be necessary.

(9) No water installation will be supplied with water through a communication pipe which was installed to provide water for building construction purposes until the certificate of compliance referred to in section 47(1)(c) has been received by the City and if no such certificate has been received, the Director may disconnect or restrict the water supply to that water installation.

(10) If the Director considers that the size of an existing communication pipe is unsuitable by reason of the quantity of water supplied to premises, he or she may by written notice, require the owner to pay the prescribed charges for the removal of the existing communication pipe and the installation of a communication pipe of a suitable size.

(11)(a) The Director may by written notice, where an official sub-division request was submitted, require the owner of premises which are to be divided into separately occupied units, at his or her own cost and within the period specified in the notice, to

- (i) alter the water installation serving any one unit so that it is separate from, and independent of, the water installation serving any other unit;
- (ii) make application for a communication pipe to serve each unit; and
- (iii) connect the water installation referred to in paragraph (i) to the communication pipe referred to in paragraph (ii).

(b) The Director may give the owner of the unit referred to in subsection (11)(a)(i) notice in writing that he or she is required to make application in terms of section 13 for a supply of water.

(12) If the Director intends to replace a communication pipe, he or she must give the owner concerned not less than 10 working days' notice in writing of the date by which he or she will effect a connection between the water installation and the replacement communication pipe.

(13) Where premises are supplied by a number of communication pipes, the Director may require the owner, at his or her cost, to reduce the number of connection points and alter the water installation accordingly.

### **Interconnection between premises**

**21.** An owner of premises must ensure that no interconnection exists between the water installation on the premises and the water installation on other premises, unless the owner has obtained the prior written consent of the Director and has complied with any conditions imposed by the Director.

### **Provision and position of isolating valves**

**22.** (1) The Director must install an isolating valve between every meter and the main.

(2) The owner must, at his or her own cost and for his or her exclusive use provide and install an isolating valve -

- (a) in the case of a meter installed on the premises, at a suitable point on his or her side of the meter; or
- (b) in the case of a meter installed outside the premises, at a suitable point immediately inside the boundary of his or her premises,

provided that the Director may, on failure of the owner and at the cost of the owner, provide and install an isolating valve.

(3) No person may without the approval of the Director tamper with the isolating valve on the communication pipe.

### **General conditions of supply**

**23.** (1) The supply of water by the City does not constitute an undertaking to maintain at any time or at any point in its water supply system -

- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard of quality of the water,

provided that if the water supply to a consumer is interrupted for more than 24 hours, the City will endeavour to provide an alternative basic water supply as soon as reasonably possible.

(2) The Director may specify the maximum height to which water will be supplied from the water supply system.

(3) If an owner requires an uninterrupted supply, a specific pressure or rate of flow or a specific standard of quality of water on the premises, the owner must make his or her own arrangements for compliance to such requirements.

(4) Subject to the provisions of this By-law, the City may interrupt the supply of water to any premises without prior notice.

(5) If the consumption of water on premises adversely affects the supply of water to other premises, the Director may apply such restrictions as he or she may deem fit to the supply of water to the first-mentioned premises in order to ensure a reasonable supply of water to the other premises, and must inform the owner of, or consumer who resides in, the first mentioned premises of such restrictions.

(6) The Director may –

- (a) install a Water Management Device at any premises as part of the water meter and its associated apparatus to encourage water demand management; or
- (b) control debt, thereby ensuring that no person is denied access to basic water services for non-payment, where that person proves to the satisfaction of the Director, that he or she is unable to pay for basic services.

(7) Where a Water Management Device has been installed at any premises, a consumer may request to enter into an agreement with the Director to set the drinking water supply to their premises to a predetermined daily volume.

#### **Restriction or cutting-off of supply**

**24.** (1) Subject to any other law, the City Manager may, if an owner has failed to pay an amount due in terms of the Tariff By-law, by written notice inform him or her of the intention to –

- (a) restrict the domestic supply on a specified date, and restrict such supply on or after that date while not denying access to basic water services to the indigent; or
- (b) restrict or cut off the supply of water to all other non-domestic consumers on a specified date, and restrict or cut off such supply on or after that date.

(2) Subject to any other law, the Director may, if an owner has contravened this By-law and has failed to rectify such contravention within the period specified in a written notice served on him or her requiring him or her to do so, by written notice, inform him or her of the intention to restrict or cut off his or her supply of water on a specified date and to restrict or cut off such supply on or after that date.

(3) The consumer or owner must pay the fees for the restriction or cutting-off of supply and restoration of the water supply in terms of the Tariff By-law provided that all such fees are paid prior to the restoration of the water supply.

(4) A consumer whose access to water supply services has been restricted or disconnected, and who unlawfully reconnects it will, on written notice be disconnected, and shall be liable for the costs incurred by the City.

(5) The City must ensure that no domestic consumer is denied access to basic water services in terms of this By-law.

#### **Interruption of supply at owner's request**

**25.** (1) The Director may, at the written request of the owner and on the dates requested, if a property is vacant or unoccupied -

- (a) cut off or restrict the supply of water to the premises; and
- (b) restore the supply.

(2) The owner must on approval of the request contemplated in subsection (1), pay the prescribed charges.

#### **Removal of water connection**

**26.** The Director may disconnect a water installation from the communication pipe and remove the communication pipe if the-

- (a) agreement for supply has been terminated in terms of section 17 and the Director has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination;
- (b) building on the premises concerned has been demolished; or
- (c) owner or occupier has unlawfully interfered with the water supply system serving the premises concerned.

#### **Metering of water supplied**

**27.** (1) Water supplied to premises must pass through a meter, installed between the communication pipe and water installation in a position determined by the Director, provided that a meter may be dispensed with in the case of -

- (a) an automatic sprinkler fire installation;
- (b) a fire installation in respect of which steps have been taken to detect unauthorised draw-off of water for purposes other than fire-fighting;
- (c) circumstances determined by the Director; or
- (d) where water is consumed through an unmetered fire connection.

(2) The Director may, after informing the owner of the property in writing of his or her intention to install a meter to an unmetered fire connection referred to in subsection (1)(d), at the cost of the City, install such meter and subsequently render an account for water consumed through the connection.

(3) A meter and its associated apparatus is provided and installed by the City, remains the property of the City and may be replaced when deemed necessary by the Director.

(4) The City may install a meter and associated apparatus at-

- (a) any point in the water installation serving the premises; and
- (b) any point in the connection pipe serving the premises.

(5) If the City installs a meter together with its associated apparatus in a water installation in terms of subsection (4)(a), the owner -

- (a) must provide an installation point approved by the Director;
- (b) must ensure that unrestricted access is available to it at all times;
- (c) is responsible for its protection and liable for the costs arising from damage thereto, excluding damages arising from normal wear and tear;
- (d) must ensure that no connection is made to the pipe in which the meter is installed, between the meter and the communication pipe serving the water installation;
- (e) must make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of work done by the City on the meter; and
- (f) may not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage and is likely to cause damage to the water supply system inclusive of the meter.

(6) Only the City may -

- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
- (b) break a seal on a meter; or
- (c) in any other way interfere with a meter and its associated apparatus.

(7) Any person contravening subsections (5)(d) or (6) must pay the City the cost of such quantity of water as supplied.

(8) If the City installs a meter together with its associated apparatus in accordance with subsection (4)(b), the service pipe is dispensed with and the water installation is deemed to commence at the connection to the communication pipe, such connecting joint being 150mm inside the boundary on the land vested in the City or over which it has a servitude or other right.

(9) The Director may at the cost of the owner, install or require the installation of a meter or volume controlling device to each section, business or dwelling unit on any premises for use in determining the quantity of water supplied to each section, business or dwelling unit.

(10) Any maintenance necessary in any portion of a service pipe that extends from the connection pipe of the premises to a meter and its associated apparatus situated within such premises, must be carried out by the Director, notwithstanding that this section of pipe forms part of the water installation, provided that the owner must allow the Director free access to this pipe or meter and be responsible for reinstatement of surroundings upon completion of repairs.

(11) An occupier of premises must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated apparatus, inform the City, where such meter has been installed in accordance with subsection (4)(a).

(12) If access for reading purposes to a meter, installed in terms of subsection (4)(a), is denied, the Director may-

- (a) upon written notice to the owner of the premises, inform him or her of the intention to install at the cost of the owner, another meter in the connection pipe;
- (b) render an account for the quantity of water consumed at such premises as measured on the meter installed in the connection pipe; and
- (c) recover from the owner the cost of the meter rendered inoperable.

(13) If access for reading purposes to a meter, installed in terms of subsection (4)(a) is denied, the owner is, during the period of such denial, liable for the cost of the water wasted should a leak develop on such meter and its associated apparatus and their fittings or become visible on the section of the service pipe within such premises, and measured by a meter installed in accordance with subsection (12)(a).

(14) If an owner submits a plan to the City in terms of section 41 for the approval of the erection of a boundary structure, and where the existing meter has been installed in accordance with subsection (4)(a), such owner is required upon the approval of such plan, to apply for and pay the relevant tariff to have such meter removed from his or her premises and a new meter installed in the connection pipe.

(15) If an owner submits a plan in terms of section 41 for the approval of alterations or extensions to an existing un-metered fire installation, such owner must after assessment of the revised installation, and upon approval of such plan, apply

for and pay the relevant tariff to have a meter as specified in size and type by the Director, installed by the City as part of the connection to such premises.

(16) If an owner submits a plan in terms of section 41 for the approval of alterations and additions to an existing metered water installation, he or she must after the assessment of the revised installation, and upon approval of the plan apply for and pay the relevant tariff to have a meter as specified in size and type by the Director installed by the City as part of a connection to such premises.

(17) If the Director determines that provision be made for separate water connections for a potable water installation and a fire installation on the same premises, standard water meters may be installed on such connections.

(18) If the Director determines that a combined domestic water and fire installation which includes hydrants, must be provided to any premises, a combination meter or other similar meter to detect low flow rates must be installed on such a connection.

(19) A separate communication pipe must be laid and used for every automatic sprinkler system.

(20) Where the owner or person in 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 Director may provide and install either-

- (a) single meter in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate meter, situated at the property boundary on the land vested in the City, for each accommodation unit or any number thereof.

(21) Where the Director has installed a single meter as contemplated in subsection (20)(a), the owner or the person in charge or management of the premises must install and maintain on each branch pipe extending from the communication pipe to the different accommodation units -

- (a) a separate meter; and
- (b) an isolating valve,

and will be liable to the City for payment of the prescribed charges for all water supplied to the premises through such a single meter, irrespective of the different quantities consumed by the different consumers served by such meter.

#### **Quantity of water supplied**

**28.(1)** For the purpose of assessing the quantity of water supplied through a meter over a specific period, it is deemed, unless the contrary can be proved, that the-

- (a) quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
- (b) meter was registering correctly during such period; and
- (c) entries in the records of the City were correctly made,

provided that if water is supplied or taken without its passing through a meter, the estimate by the Director of the quantity of such water must be deemed to be correct.

(2) The Director may estimate a quantity of water supplied in respect of a period or periods within the interval between successive readings of the meter, and may render an account to a consumer for the quantity of water so estimated.

#### **Water supplied from municipal hydrants**

**29(1)** The Director may permit a temporary supply of water to be taken from a fire hydrant, subject to such conditions as he or she may determine.

(2) A person who desires a temporary supply of water referred to in subsection (1) must make application in the manner prescribed in section 13.

#### **Resale of water**

**30.(1)** No person who is supplied with water in terms of this By-law may sell such water unless-

- (a) provision has been made therefore in a special agreement referred to in section 14; or
- (b) he or she has obtained the prior written permission of the Director.

(2) If the Director grants the permission referred to in subsection (1)(b), he or she may stipulate the maximum price, determined by Council, at which the water may be sold and impose such other conditions as he or she may deem fit.

(3) Permission referred to in subsection (1)(b) may be withdrawn at any time.

(4) Resale of water is intended to cover the supply of water -

- (a) to other municipalities;
- (b) to the Ports Authority of South Africa;
- (c) to Airports Company of South Africa ;
- (d) in cases where the City cannot gain direct access to a property;
- (e) where the expansion of the City's network to serve a property cannot be undertaken immediately; or

- (f) where a bulk main passes a property which cannot be served by another water service authority.

(5) The supply of water by a landlord to a tenant does not constitute a resale of water under this By-law.

(6) Any cost for water recovered by the landlord must be in line with, and must not exceed, the prevailing tariff of the Council.

### **Defective meters**

**31.**(1) If a consumer has reason to believe that a meter is defective, he or she may, against payment of the prescribed charges, make application for the meter to be tested.

(2) The prescribed charges referred to in subsection (1) will be -

- (a) retained by the City if the meter is found in terms of subsection (3), (4) or (5) not to be defective; or
- (b) refunded to the applicant if the meter is found to be defective.

(3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973) are applicable, is deemed to be defective if, when tested in accordance with such regulations, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of those regulations.

(4) A meter to which the regulations referred to in subsection (3) are not applicable is deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in SABS 1529:1999 Part 4 and SANS 1525:1999 Part 1, or its amendments.

(5) Where a meter has ceased to function and does not register the consumption through it, it is deemed to be defective.

### **Estimation of quantity of water supplied to consumer through defective meter**

**32.**(1) If a meter is found to be defective in terms of section 31(3), (4) or (5), the Director may estimate the quantity of water supplied to the consumer concerned during the period in which such meter was defective, on the basis of the average daily quantity of water supplied over -

- (a) a period between two successive meter readings subsequent to the replacement of the meter;
- (b) a period in the previous year corresponding to the period in which the meter was defective; or

- (c) the period between three successive meter readings prior to the meter becoming defective,

whichever the Director considers the most appropriate.

(2) If the quantity of water supplied to a consumer during the period when the meter was defective cannot be estimated in terms of subsection (1), the Director may estimate the quantity on any other basis that is available.

(3) The consumer must be informed of the method used by the Director to estimate the quantity of water supplied to him or her, as contemplated in subsection (1) or (2), and given an opportunity to make representations to the Director before a final estimate is arrived at.

#### **Adjustment of quantity of water supplied if meter is defective**

**33.(1)** The adjustment of the quantity of water supplied through a defective meter must be made for the period determined in terms of section 32.

(2) For the purpose of adjusting the quantity of water in terms of subsection (1), it is deemed that the same quantity of water was supplied in each interval of twenty-four hours during the period referred to in subsection (1).

(3) An owner is not entitled to a reduction of the amount payable for water wasted or lost in a water installation due to visible leaks.

(4) Rebates will only be granted in terms of underground leaks, and where the repair of such leak was visually confirmed by an official of the City.

#### **Special Measurement**

**34.(1)** If the Director 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, he or she may by written notice, advise the owner concerned of his or her intention to install a measuring device at any point in the water installation that he or she 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, will be carried out at the expense of the City.

(3) The provisions of section 27(5)(b) and (6) apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

(4) The City may on receipt of a written notice from the owner and subject to arrangement of payment of the relevant prescribed charge, read the meter to ascertain the quantity of water supplied at a time, or on a day, other than upon which the meter would normally be read.

### CHAPTER 3

#### WATER RESTRICTIONS AND WATER CONSERVATION

##### Water Restrictions

35.(1) The Director may, by public notice, whenever there is scarcity water available to it for distribution and supply to consumers, or for any other good cause-

- (a) prohibit or restrict the consumption of water in the whole or part of the City -
  - (i) in general or for specified purposes;
  - (ii) during specified hours of the day or on specified days;
  - (iii) in a specified manner;
- (b) determine and impose limits on the quantity of water that may be consumed over a specified period;
- (c) 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; and
- (d) invoke the special tariffs in respect of water restrictions, determined in terms of the Tariff By-law .

(2) The Director may limit the application of the provisions of a notice contemplated in subsection (1) to specified areas or categories of consumer, premises and activities, and may permit deviations and exemptions from, and the relaxation of any of such provisions on reasonable grounds, provided that there will be no deviation from the tariffs referred to in subsection (1)(d).

(3) The Director may order a consumer to take such measures, including the installation of meters and devices for restricting the flow of water, as may be necessary to ensure compliance with a notice published as contemplated in subsection (1), at the cost of such consumer.

(4) The Director -

- (a) may discontinue for such period as he or she may deem fit or limit the supply of water to any premises in the event of a failure to comply with the terms of a notice referred to in subsection (1); and

- (b) must, where the supply has been discontinued in terms of paragraph (a), restore it only when the fee for discontinuation and reconnecting the supply has been paid.

(5) The provisions of this section also apply in respect of water supplied directly by the City to consumers outside the City, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published as contemplated in subsection (1).

### **Wastage of Water**

**36.**(1) No person may negligently, purposefully or wastefully -

- (a) discharge water from terminal water fittings or permit such discharge;
- (b) permit pipes or water fittings to leak;
- (c) use water fittings that are incorrectly adjusted or defective or permit such use;
- (d) permit an overflow of water to persist; or
- (e) inefficiently use water or allow an inefficient use of water to persist.

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

(3) If an owner fails to comply with subsection (2), the Director may take such measures as he or she may deem fit and recover the cost from the owner.

(4)(a) A consumer must ensure that any equipment or plant connected to the water installation uses water in an efficient manner.

(b) If the use of water by any equipment in a water installation is inefficient or wasteful, the Director may, by written notice, prohibit the use of such equipment.

(5) When the use of equipment has been prohibited in terms of subsection (4)(b), such equipment must not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Director.

### **Water conservation and demand management**

**37.** Any owner or consumer must comply with the good water conservation and demand management practices as set out in Schedule 1.

## CHAPTER 4

### WATER SERVICES INTERMEDIARIES

#### Registration

**38.** The Council may by public notice, require water services intermediaries or classes of water services intermediaries to register with the City in a manner specified in the public notice.

#### Provision of water services

**39.(1)** Water services intermediaries must ensure that water services, including basic services as determined by the 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 a water services intermediary must at least be of the same standards as provided by the City to consumers.

#### Charges for water services provided

**40.(1)** A water services intermediary may not charge for water services at a price which does not comply with the norms and standards as may be set by the Director.

(2) A water services intermediary must provide subsidized water services, as determined by the Council in terms of the Credit Control and Debt Collection By-law and provided by the City to consumers at a price that is the same or less than the prescribed charges at which the City provides such services.

## CHAPTER 5

### PLANS APPROVAL

#### Plans approval procedure

**41.(1)** If an owner wishes to install a new water installation, he or she must first obtain the written approval of the Director on plans submitted for scrutiny, provided that approval is not required for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices, in which instance, a notice of notification is required.

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

- (a) the prescribed charge; and
- (b) the prescribed number of copies of the drawings of the proposed work, as referred to in section 44.

(3) The provisions of subsections (1) and (2) do not apply to a registered contractor who replaces a fixed water heater or its associated protective devices.

(4) The written approval given in terms of subsection (1) will, subject to section 43, lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the written approval was given.

(5) Full details of any proposed water conservation and demand management system such as a grey water system, air conditioner or bleed-off for flushing toilets must accompany the building plans.

#### **Extension of period of approval**

**42.** The Director may, from time to time on written application by the owner, prior to the expiry of the original period concerned and subject to payment of the prescribed charge, extend the period of validity of approval given in terms of section 41 for a period not exceeding 12 months at a time and subject to such conditions as he or she may deem fit.

#### **Drawings**

**43.** (1) Unless the Director has in writing determined otherwise, drawings must be on sheets of a size not smaller than A4 and must provide information in the form required by Clause 4.1.1 of SANS 10252: 2004 Part 1 a copy of which may be obtained from the Director.

(2) If the details of the water installation on more than one floor of a building are identical, such details may be drawn for one floor only.

(3) If more than one water installation is to be installed in a building, such installations may be shown on the same drawing, provided they are clearly differentiated.

(4) A schedule must be provided with each drawing or set of drawings, indicating the number of each type of terminal water fitting and its nominal size.

#### **Copies of drawings to be kept on site**

**44.** Until receipt by the Director of the certificate of compliance submitted in terms of section 47, a complete set of approved drawings of the installation work must at all times be available at the site of the work.

#### **Unauthorised work**

**45.** If installation work has been done in contravention of section 41, the Director may by written notice, require the owner of the premises concerned to comply with that section within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with this By-law.

**CHAPTER 6**  
**INSTALLATION BY PLUMBERS**

**Persons permitted to do installation and other work**

**46.(1)** No person, who is not qualified and accredited in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), may-

- (a) do installation work for which approval is required in terms of section 41;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank; or
- (d) service, repair or replace a backflow preventer in terms of section 53.

(2) The Director may maintain a register of qualified persons referred to in subsection (1).

**Responsibilities of a property owner**

**47.(1)** A property owner must ensure that the installation work done on his or her premises –

- (a) is carried out by a qualified person or plumber;
- (b) complies with this By-law; and
- (c) on completion thereof, a certificate of compliance is submitted to the Director.

(2) If installation work is being done in contravention of section 46, the Director may by written notice require the owner of the premises concerned to cease such work until he or she has employed a qualified plumber to-

- (a) inspect such work and rectify any part of it which does not comply with this By-law;
- (b) test and disinfect the work in terms of section 48; and
- (c) ensure that a certificate of compliance, stating that the work carried out complies with this By-law, is submitted to the Director.

## **CHAPTER 7**

### **DISINFECTION**

#### **Disinfection of water installations including storage tanks**

**48.(1)** An owner must cause a new water installation to be flushed with water from the water supply system until clear water discharges from every terminal water fitting.

(2) If the pipe work of a water installation which is connected to a main becomes contaminated, it must be disinfected in accordance with SANS 10252:2004 Part1.

(3) The owner of a premises on which a storage tank is installed must, not less than once in every five years, cause such tank to be drained, inspected and disinfected, in accordance with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993)

(4) Notwithstanding the provisions of subsection (3) -

(a) the Director may, if the water in the storage tank or in the water installation served by the tank is unsuitable for use, by written notice, require the owner to cause the tank to be drained forthwith and inspected; and

(b) if a tank has become submerged or is in any way subjected to a condition which could cause the contents thereof to become polluted, the owner must forthwith cause the tank to be drained and inspected.

(5) Before the tank or the water installation served by it referred to in subsection (3) is returned to use, it must be cleaned and disinfected in accordance with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993).

## **CHAPTER 8**

### **GENERAL WATER INSTALLATION REQUIREMENTS**

#### **Provision and maintenance of water installations**

**49.(1)** An owner must provide and maintain the water installation at his or her own cost, except-

(a) in the case of a connection to a communication pipe; or

(b) where permitted in terms of section 18, and

must ensure that the installation is within the boundary of the premises.

(2) Before work is commenced in connection with the maintenance of a portion of the water installation which is situated outside the boundary of the premises, an owner must obtain the written consent of the Director or the owner of the land on which such portion is situated.

### **Accepted pipes and water fittings**

**50.**(1) No person may install or use a pipe or water fitting in a water installation unless it is listed, installed, used or fitted in accordance with conditions imposed in Schedule 2.

(2) Notwithstanding the provisions of subsection (1), the Director may, for a specific use in a specific installation, permit the installation or use of a pipe or water fitting which is not included in Schedule 2.

(3) The Director may, in respect of any pipe or water fitting included in Schedule 2, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.

(4) The Director may, at any time remove a pipe or water fitting from Schedule 2 if the pipe or water fitting-

- (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.

(5) The Director must make available during working hours copies of Schedule 2, as updated in terms of this By-law, at the offices of the City.

(6) A pipe or water fitting will not be included in Schedule 2 unless it-

- (a) bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the Bureau;
- (b) bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks must be issued for a period exceeding two years;
- (c) is included in the list of water fittings accepted by SABS; or
- (d) is acceptable to the Director.

## Design criteria for water installations

51.(1) An owner must ensure that-

- (a) water installations comply with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993);
- (b) hot water cylinder installations comply with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993);
- (c) solar heated water installations comply with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993);
- (d) the storage of a minimum quantity of water, to be used for purposes other than fire-fighting or air-conditioning, is provided in accordance with Table 1 of Schedule 3;
- (e) the storage of a minimum quantity of water to be used for flushing of water closets and urinals in commercial and industrial premises is provided in accordance with Table 2 of Schedule 3;
- (f) the design of storage tanks is in accordance with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993) and with section 52;
- (g) the use of pipes supplying water in any installation is in accordance with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993) and Schedule 3;
- (h) a non-return valve of similar size as the service pipe immediately downstream of the isolating valve, referred to in section 27(21)(b), is installed; and
- (i) where the efficiency of functional valves or terminal fittings may be compromised by the passing through of solid material that could block or damage functional valves or terminal fittings, an in-line strainer is installed in a position so as to allow easy maintenance.

(2) The Director may, on application by an owner and on payment of the prescribed charge determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

(3) If a pipe or water fitting of a particular type is unsuitable for use in a particular situation, the Director may by written notice to the owner-

- (a) prohibit the use thereof; or
- (b) require acceptable protective measures to be applied.

(4) No person may connect to a water installation a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

### **Storage tanks**

**52.(1)** Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993), where only the interior is accessible for inspection and cleaning.

(2) No person may without the written consent of the Director cause or allow a tank, buried or placed in the ground to be used for reception or storage of water supplied by the City.

(3) Any person who uses a storage tank to store water of potable quality must ensure that -

- (a) the tank and associated pipework is of contamination proof design and in accordance with the requirements of the Director;
- (b) the overflow and vent of a contamination proof tank is screened to prevent the ingress of insects, animals and other sources of pollution;
- (c) a contamination proof tank is totally enclosed with no other access to its interior other than an access panel in its side, to facilitate inspection and cleaning which must be at a level where the tank cannot be used unless the access panel cover is in place; and
- (d) the tank and associated pipework is cleaned and maintained in terms of SANS 10252-1.

(4) Unless authorised in writing by the Director, every boiler, steam kettle or other apparatus for generating steam, gas producer, gas engine or oil engine or any other apparatus in, or by which, water supplied by the City is used must be supplied only through a cold water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.

### **Prevention of pollution of water**

**53.(1)** An owner must provide and maintain measures approved by the Director to prevent the entry of a substance which may be a danger to health or adversely affect the potability of water into-

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

(2) The Director must approve the appropriate level of backflow prevention required in each instance.

## **CHAPTER 9**

### **FIRE INSTALLATIONS**

#### **Fire Installations**

**54.(1)** An owner must ensure that-

- (a) hose reel and hydrant installations comply with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993); and
- (b) automatic sprinkler systems comply with the relevant standard set by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993).

(2) The Director may grant or refuse an application for the connection of a fire extinguishing installation to the main.

(3) No water will be supplied to any fire extinguishing installation –

- (a) without a certificate of compliance issued in terms of section 47; and
- (b) unless the installation complies with the requirements of this By-law.

(4) The Director may, if a fire extinguishing installation connected to a main is not being kept in a proper working order, or is otherwise improperly maintained or is being used for purposes other than fire fighting, either require the installation to be disconnected from the main or disconnect it at the cost of the owner.

(5) Whenever it is necessary to boost the pressure of a fire installation, the owner must install a dual pipe system, one for fire extinguishing purposes and the other for general domestic purposes.

(6) All pipes and fittings must be capable of handling pressures in excess of 1800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

(7) A separate connection pipe must be installed and used for every fire sprinkler extinguishing system.

(8) The Director must determine whether automatic sprinkler systems must be metered.

(9) No fire installation, combined domestic or fire installation may include a plastic pipe or multilayer plastic pipe in an above-ground position.

## CHAPTER 10

### MISCELLANEOUS PROVISIONS

#### **Use of water from other sources than the municipal water supply**

**55.** (1) No person may use or permit to be used any water obtained from a source other than the water supply of the City for domestic purposes.

(2) No person may connect a water supply obtained from any source other than the water supply of the City to any water distribution system without the prior written approval of the Director, and in accordance with any conditions determined by the him or her.

(3) Any owner of premises on which a water source is located must, within 14 days of being called upon to do so, provide the Director with such particulars regarding the water source as may be required.

(4) An owner of premises as contemplated in subsection (3) must, at his or her own cost, on being called upon to do so, furnish the Director with such certificates of analysis and bacteriological investigation in respect of water sources on those premises, as may be required by him or her.

(5) The Director may withdraw any approval given in terms of subsection (1) if -

- (a) a condition imposed in terms of that subsection is breached; or
- (b) the water no longer conforms to the requirements imposed by the Director.

(6) The provisions of this section do not exempt any person from complying with the applicable provisions of the National Water Act, 1998 (Act No. 36 of 1998), or any other relevant legislation.

#### **Wells, boreholes, wellpoints and excavations**

**56.** Every owner of premises must ensure that any well, borehole, wellpoint or other excavation located on his or her premises-

- (a) is adequately safeguarded from creating a health nuisance;

- (b) is not filled in a way or with material that may cause an adjacent well, borehole or underground source of water to become polluted or contaminated; and
- (c) no interconnection is made between a water installation supplied from the main and any other source of water supply.

#### **Notice of the sinking or digging of boreholes, wells and wellpoints**

57.(1) No one may sink or dig, or cause or permit to be sunk or dug, a well, wellpoint or borehole, unless the Director is provided with at least 14 days` written notice of his or her intention to do so.

(2) The notice contemplated in subsection (1) must state the proposed location and purpose for which the water is to be used.

(3) 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 sewerage system of the City, the owner must install a meter to the specification of the City in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

(4) The Director may, by written notice, require the owner of any premises within any area of the City upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify him or her of the existence of a borehole on such premises, and provide it with such information about the borehole as he or she may require.

(5) The Director may require that a study be undertaken at the cost of the owner in order to assess any impact the proposed well, wellpoint or borehole may have on the wellbeing of the community.

#### **Supply of non-potable water by the City**

58.(1) The Director may, on application in terms of section 13 and subject to any other law, grant a supply of non-potable water to a consumer and on such conditions as he or she may deem fit.

(2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purposes which may give rise to a health hazard.

#### **Disclaimer in respect of non-potable water quality**

59.(1) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the City or its suitability for the purpose for which the supply was granted.

(2) The use of non-potable water is entirely at the risk of the consumer, and the City is not liable for any consequential damage or loss arising directly or indirectly therefrom.

### Warning notices

60.(1) An owner of premises on which non-potable water is used must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.

(2) In an area where treated sewage effluent is used, the consumer must erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.

(3) Every warning notice referred to in subsections (1) and (2) must be in the three official languages used in the Province.

### Irrigation systems

61. Where a new irrigation system, which is to be supplied from an existing domestic connection or another existing irrigation connection, is installed -

- (a) the size of the existing connection must be reviewed by the City; and
- (b) all materials used in the system must comply with SABS requirements.

### Appeals

62. A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated in terms of this By-law, may appeal against that decision in accordance with section 62 of the Local Government: Municipal Systems Act, 2000 ( Act No. 32 of 2000).

### Offences and penalties

63. Any person who -

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) fails to comply with any notice issued, or lawful instruction given, in terms of this By-law; or
- (c) obstructs or hinders any authorised representative or employee of the City in the execution of his or her duties under this By-law,

is guilty of an offence and is, on conviction, liable to a fine or term of imprisonment not exceeding five years or both such fine and term of imprisonment.

**Comment [m1]:** Danie please advise if the maximum of 5 years is appropriate for convictions under this By-law. This is necessary for the application of Adjustment of Fines Act.

**Exemption from liability**

**64.** The City shall not be liable for damages or compensation arising from anything lawfully done in good faith by it or any official or employee thereof in terms of this By-law.

**Repeal and savings**

**65.** The City of Cape Town: Water By-law, 2006 is hereby repealed.

**Short title**

**66.** This By-law is called the City of Cape Town: Water By-law, 2009.

## **SCHEDULE 1**

### **WATER CONSERVATION AND DEMAND MANAGEMENT**

*(Section 37)*

1. No person may without prior written authority from the Director, water a garden, sports field, park, or other grassed area using potable water, between the hours of 10:00 and 16:00.
2. Where a hosepipe is used to irrigate a garden, park, or sports field from a potable water source a controlling device such as a sprayer must be attached to the hose end.
3. No person may without prior written authority from the Director hose down a hard-surfaced or paved area using water from a potable source.
4. A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.
5. Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds is not allowed.
6. Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.
7. Wash-hand basins provided in public facilities must be fitted with demand type taps.
8. Showers provided at public facilities must be fitted with demand type valves.
9. Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.
10. Stand pipe draw-off taps must be at a height of at least 450 mm, measured above ground level.
11. The maximum flow rate from any tap installed in a wash hand basin may not exceed 6 litres per minute.
12. The maximum flow rate from any showerhead may not exceed 10 litres per minute.
13. Water closet cisterns may not exceed 9,5 litres in capacity.
14. No automatic cistern or tipping tank may be used for flushing a urinal
15. Within two years after the promulgation of this By-law all automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate after each use of such urinal.

16. Terminal water fittings installed outside any buildings other than a residential dwelling must -

- (a) incorporate a self-closing device;
- (b) have a removable handle for operating purposes;
- (c) be capable of being locked to prevent unauthorized use; or
- (d) be of a demand type that limits the quantity of water discharged in each operation.

17. Water Audit

- (a) Major water users (those using more than 10 000 kilolitres per annum), excluding those comprising multiple dwelling units, must undertake an annual water audit. The audit must be carried out no later than two weeks after the end of each financial year of the City. The audit report must be available for inspection by officials from the Department of Water Affairs and Forestry, the Water Board (where applicable) and the City.
- (b) The audit must detail the following-
  - (i) amount of water used during a financial year;
  - (ii) amount paid for water for the financial year;
  - (iii) number of people living on the stand or premises;
  - (iv) number of people permanently working on the stand or premises;
  - (v) comparison of the above factors with those reported in each of the previous three years (where available);
  - (vi) seasonal variation in demand (monthly consumption figures);
  - (vii) details of water pollution monitoring methods;
  - (viii) details of current initiatives to manage their demand for water;
  - (ix) details of plans to manage their water demand;
  - (x) comparison of the above factors with those reported in each of the previous three years (where available); and
  - (xi) estimate of consumption by various components in use.

- 18 No person may allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.

## **SCHEDULE 2**

### **PIPES USED TO CONVEY POTABLE WATER** (Section 50)

#### **Copper Pipes**

Class 0 and Class 1 copper pipes may not be used in underground applications unless suitably protected in a sleeve.

Class 0 copper pipes may not be bent, flared, or have their ends expanded and formed in to a sleeve for capillary-type soldering.

Copper pipes may not be bronzed welded or silver brazed.

#### **Plastic Pipes (Polyethylene, Polypropylene, Polyvinyl)**

Plastic pipe may not be used in fire or fire or domestic installations in above ground positions, where such installation is supplied from either a dedicated fire or combined fire or domestic connection from the main.

Plastic pipes conveying potable water must be protected from sunlight.

Plastic pipes may not be used in a position where permeation of gas or other chemical substance may cause contamination of the water conveyed in it, unless it is suitably protected in an impervious sleeve.

Where plastic pipe is used to convey hot water from a fixed hot water cylinder installation, the first 1,5 metres of piping on the outlet side of the cylinder must be in copper.

#### **Black Steel Pipes**

Black mild steel pipe and its associated fittings may not be used to convey water in domestic installations, unless it is suitably treated and coated on the inside, and must also not be installed in the fire installation section of a combined installation, in such a manner which could compromise the potability of the water in the domestic installation section of such a combined installation.

Galvanised mild steel pipes and water fittings may not be used in installations which are connected to the main, and are supplied with water from it.

Any pipe conveying water from a main must not be installed as an integral part of a concrete structure or be laid in or under floor slabs, unless in a suitable protective sleeve.

#### **Multilayer Pipes**

These include P-EX, PE-ALUMINIUM-PE as well as other Crosslinked polyethylene light alloy Multilayer Tubing systems.

Only multilayer pipe and the approved crimping systems, fittings and tools of manufacturers listed on the latest SABS accepted water components list may be used in domestic installations used to convey water from the main.

### SCHEDULE 3

#### DESIGN CRITERIA FOR WATER INSTALLATIONS (SECTION 51)

**TABLE 1**

<b>Type of Consumer</b>	<b>Storage Required</b>
Hospitals, clinics, nursing homes, old-age homes and other buildings from which the occupants cannot readily be removed in the event of an interruption of the water supply.	250 litres for every bed which the building is designed to accommodate.
Educational institutions.	40 litres to 50 litres per capita
Multiple dwelling units exceeding height determined in terms of section 24(2), or exceeding three stories, whichever is the lower.	135 litres per dwelling unit.
Hotels, boarding houses and hostels.	90 litres for every person whom the building is designed to accommodate (including staff).
Restaurant kitchens (full meal preparation)	8 to 12 litres per meal prepared.
Hairdressers and dentist	4 hours demand per day.
Industry (storage for production purposes)	8 hours demand per day.

**TABLE 2**

<b>Type of Consumer</b>	<b>Storage Required</b>
Commercial premises (including shops and offices)	70 litres for every 100 sq metres of gross floor area.
Factories	5 litres per capita
Super stores (such as Hyper markets)	125 litres per WC Pan or 600mm of slab urinal
Educational Institutions	5 litre per capita