

CITY OF CAPE TOWN

WATER BY-LAW

To control and regulate water services in the City

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CHAPTER 1

DEFINITIONS AND GENERAL PROVISIONS

1. Definitions

In this by-law, unless the context otherwise indicates -

“authorised official” means an official of the municipality authorised by the City Manager to enforce the provisions of the 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, No 108 of 1997 and the regulations promulgated in terms thereof;

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

“City” means the area of jurisdiction of the municipality, demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“City Manager” means the person appointed by the council in the capacity of municipal manager;

“connection pipe” means a pipe, the ownership of which is vested in the municipality 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 municipality or any of the municipality’s other political structures, political office bearers, councillors, or staff members, duly authorised by delegation;

“Credit Control and Debt Management Policy By-Law”, means the Credit Control and Debt Management Policy By-Law, adopted by the council and published in the *Provincial Gazette*;

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

“Director: Water” means the employee of the municipality in charge of the Water and Sanitation Services of the municipality;

“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 similar meaning;

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

“JASWIC” means the Joint Acceptance Scheme for Water Installation Components, to which the municipality subscribes;

“main” means a pipe, other than a communication pipe, the ownership of which is vested in the municipality 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;

“municipality” means the Municipality of the City of Cape Town;

“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 30 years or longer has been entered into, the lessee thereof;

- (e) the person who has purchased immovable property from the municipality, in terms of a scheme that allows for the purchase price to be paid in installments and who has not received transfer from municipality;
- (f) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such 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 nonaquatic organisms;
 - (iii) to the resource quality; or
 - (iv) to property;

“public notice” means a notice published in a newspaper in a least two of the official languages in general use within the Province of the Western Cape and, where possible, the notice, must be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

“publish” means:-

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

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

“SABS” means the South African Bureau of Standards referred to in the Standards 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, 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 Policy By-law” means the tariff policy by-law promulgated by the council in terms of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, or pending such promulgation, a decision by the council in terms of section 75A of that Act to levy and recover fees, charges or tariffs.

“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 municipality, and also includes, and
- (b) a ‘consumer installation’ as contemplated by the Water Services Act , No 108 of 1997 and the regulations promulgated in terms thereof;

“water services” or any part thereof, means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial and industrial use and includes sanitation services;

“water services facility” means any land on which there is infrastructure, installed or used by the municipality, 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 municipality 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.

2. Application and purpose of this by-law

- (1) This by-law binds an organ of state.
- (2) Unless the contrary is proved, a breach of this by-law committed on premises in respect of -
 - (a) the water installation, other than a provision relating to the use of water in the installation, shall be deemed to be a breach by the owner of the premises, and

- (b) the use of water from a water installation shall be deemed to be a breach by the consumer.
- (3) No owner shall be 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 is supplied in terms of the provisions of this by-law, but where in the opinion of the Director: Water it is not reasonably possible or cost effective to supply water in the manner contemplated by this by-law to each consumer within a particular area, the Director: Water may, in consultation with the official in charge of health services of the municipality, determine an alternative manner of water supply.
- (5) Where the Director: Water has determined an alternative manner of water supply in terms of subsection (6), this by-law will, to the extent necessary, apply to the supply of water to such area, subject however to such conditions as the Director: Water may determine.
- (6) Where the municipality makes use of an external water services provider, this by-law remains applicable and the council remains the regulating authority.

3. Transitional arrangements

- (1) If authority was given before the date of commencement of this by-law for installation work to be done, or if authorised work is in progress on such date, such work shall comply with any laws governing such work which were in force in the City prior to such date.
- (2) The Director: Water may, for a period of 90 days after the commencement of this by-law, give authority for installation work to be done in accordance with any laws governing such work which were in force in the City prior to such date.
- (3) Any agreement for the supply of water, entered into between the municipality and a consumer, who is not the owner of the premises concerned, prior to the promulgation of this by-law, will remain in force, until such time as
 - (a) the consumer vacates the premises, or
 - (b) there is a change in the title of the owner of the premises,

whereafter the municipality will only enter into an agreement with the owner of the premises.

4. Powers of the Director: Water

- (1) If, in the opinion of the Director: Water, the water installation or a part thereof on a premises is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution of the water supply, or a health or safety hazard, the Director: Water may by notice in writing require the owner to comply with the provisions of this by-law within a specified period.

- (2) The Director: Water must consult the official in charge of health services of the municipality in all matters where there is a likelihood of a health hazard or environmental pollution.
- (3) If the Director: Water 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.

5. Service levels

- (1) The 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 consumers.
- (2) The council 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 municipality on the promulgation of these by-laws-
 - (a) communal water supply services-
 - (i) constituting the minimum level of service provided by the municipality;
 - (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 municipality.
 - (b) yard connection not connected to any water installation-
 - (i) consisting of an un-metered standpipe on a premises not connected to any water installation;
 - (ii) installed free of charge, and
 - (iii) maintained by the municipality.
 - (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.

6. Appointment of authorised officials

The City Manager may appoint authorised officials.

7. Delegation

- (1) The City Manager may delegate any of his or her powers and duties in terms of this by-law to any official of the municipality.

- (2) The Director: Water may delegate any of his or her powers and duties to any official of the municipality.

8. Entry upon water services facilities

- (1) Every person who enters upon a water services facility, must comply to the instructions of the Director: Water for use and conditions of entry to the site, displayed by means of a notice at the entrance.
- (2) A person who does not comply with the contents of a notice at the entrance of a water services facility is guilty of an offence.

9. Imminent emergencies and situations that require immediate action

- (1) The Director: Water 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 by subsection (1) occurs on private property, the Director: Water may-
 - (a) by written notice direct the owner to take such measures as may be deemed necessary to prevent or eradicate the imminent emergency or the situation, or
 - (b) in the event that the owner cannot be found or the owner fails to immediately comply to the requirements of the Director: Water, 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 municipality.
- (4) In the case of action taken as contemplated by paragraph (b) of subsection (2), the Director: Water reports the matter to the City Manager without delay.
- (5) If in the opinion of the Director: Water such action is necessary as a matter of urgency to prevent wastage of water, damage to property, danger to life or pollution of water, he or she may -
 - (a) without prior notice, cut off the supply of water to any premises, and
 - (b) enter upon such premises and do such emergency work, at the owner's expense, as he or she may deem necessary, 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.

10. Duties of the public

- (1) Every 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, immediately inform the Director: Water.

- (2) Any person acting in terms of subsection (1) who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

11. Recovery of costs

- (1) Every person committing a breach of the provisions of this by-law is liable to compensate the municipality for any loss or damage suffered or sustained by it in consequence of such breach.
- (2) The municipality 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 on whom a compliance notice was served;
 - (b) the owner of the premises concerned, or
 - (c) the consumer.
- (3) The City Manager may issue a cost order requiring a person who is liable to pay costs incurred in terms of subsection (1) to pay those costs by a date specified in the order and such order constitutes *prima facie* evidence of the amount due.

12. Compliance notices

- (1) When an authorised 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 authorised official may issue a compliance notice to the consumer or owner concerned or person who is contravening the provisions of this by-law.
- (2) A notice issued in terms of subsection (1) must state-
 - (a) the provision of the by-law that is being contravened or will be contravened if the condition is allowed to continue;
 - (b) the measures that must be taken to rectify the condition, and
 - (c) the time period in which the notice must be complied with.
- (3) If a person on whom notice was served in terms of subsection (2), fails to comply to the requirements of the notice, the Director: Water 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.

13. Responsibility for compliance with this by-law.

- (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.

14. Offences and penalties

Any person who -

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

is guilty of an offence and liable on conviction to a fine.

15. Exemption from liability

The municipality shall not be liable for damages or compensation arising from anything done by it in terms of this by-law.

16. Repeal

The by-laws previously adopted by the council or its constituent predecessors in respect of any portion of the City, are hereby repealed, to the extent set out in Schedule 1 hereto.

17. Appeals

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, No 32 of 2000.

CHAPTER 2

PROVISIONS RELATING TO THE SUPPLY OF WATER

18. Unauthorised use of water

No person may use water from the water supply system -

- (a) unless an agreement referred to in section 19 or 20 has been concluded, or
- (b) except through a communication pipe provided in terms of section 26 or from a hydrant in terms of section 35, or
- (c) except through a metered water supply point specifically installed by the municipality for the supply of water.

19. Application for supply of water

- (1) Water from the water supply system will not be supplied to any premises unless the owner has applied to the municipality for a supply and such application has been agreed to.

- (2) An application for the supply of water approved by the Director: Water constitutes an agreement between the municipality 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 Policy By-law, until the supply has been interrupted at the request of the owner or the agreement has been terminated in accordance with this by-law, and 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 municipality 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: Water.
- (6) Where the purpose for, or extent to which, the water applied for in subsection (4)(f) is changed, the owner must promptly in addition to advising the municipality of the change, enter into a new agreement with the municipality.

20. Special agreements for supply of water

- (1) The council may enter into a special agreement for the supply of water to an applicant outside the City.
- (2) If the council, in terms of a special agreement, agrees to supply water to an applicant outside the City it may permit him or her to sell such water to other persons, subject to such conditions as it may deem fit.

21. Pipes in streets or public places

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 municipality, except with the prior written permission of the Director: Water and subject to such conditions as he or she may impose.

22. Fees

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

23. Termination of agreements

- (1) An owner may terminate an agreement for the provision of water services by giving the municipality not less than seven days' notice in writing of his or her intention to do so.
- (2) The Director: Water may, by notice in writing of not less than fourteen days, advise an owner of the termination of his or her agreement for the supply of water if –
 - (a) he or she has not used water during the preceding six months and has not made arrangements to the satisfaction of the Director: Water for the continuation of the agreement, or
 - (b) he or she 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) he or she has failed to pay any fees due and payable in terms of the Tariff Policy By-law.
- (3) The Director: Water may terminate an agreement for the supply of water if the premises to which such agreement relates have been vacated.

24. Interference with the water supply system

Unless authorised in terms of this by-law, no person other than the municipality may-

- (a) manage, operate or maintain infrastructure for the provision of water services, or
- (b) effect a connection to the water supply system.

25. Obstruction of access to the water supply system

No person may prevent or restrict the access of officials of the municipality to the water supply system.

26. Provision of communication pipe

- (1) No person may commence any development on any premises unless the Director: Water 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 shall make application on the prescribed form and pay the prescribed charge as determined in terms of the Tariff Policy By-law for the installation of such a pipe.
- (3) The Director: Water may determine-

- (a) the diameter of the communication pipe on information provided by the applicant at the time of the application;
 - (b) the position of the communication pipe;
 - (c) the point of termination of the communication pipe within the boundary of the land owned by the municipality, or over which it has a servitude or other right;
 - (d) the type of joint which must be used to effect the connection, and
 - (e) the material of which that portion of the water installation between the communication pipe and the owner's isolating valve, referred to in section 56, 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: Water may agree to the extension subject to such conditions as he or she may impose.
 - (5) Unless otherwise stipulated by the Director: Water, the owner must, at own expense, 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 Director: Water, 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: Water may agree, subject to such conditions as may be imposed, 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: Water 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 53 has been received by the municipality and if no such certificate has been received, the Director: Water may, at his or her discretion and without prejudice to the municipality, disconnect or restrict the water supply to that water installation.
 - (10) If the Director: Water considers that the size of an existing communication pipe is unsuitable by reason of the quantity of water supplied to a 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: Water may by written notice, require the owner of premises which are divided into separately occupied units, to at own expense and within the period specified in the notice -

- (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: Water may give the owner of the unit referred to in paragraph (a)(i) notice in writing that he or she is required to make application in terms of section 19 for a supply of water.
- (12) If the Director: Water intends to replace a communication pipe, the Director: Water must give the owner concerned not less than ten 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: Water may require the owner to reduce the number of connection points and alter the water installation accordingly.

27. Interconnection between premises

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: Water and has complied with any conditions imposed by the Director: Water.

28. Provision and position of isolating valves

- (1) The Director: Water must install an isolating valve between every meter and the main.
- (2) The owner must, at own expense, 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;
 - (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: Water may, on failure of the owner and at the owner's expense, provide and so install an isolating valve.

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

29. General conditions of supply

- (1) The supply of water by the municipality 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 municipality will endeavour to provide an alternative basic water supply as soon as reasonably possible.

- (2) The Director: Water 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) The municipality may interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Director: Water the consumption of water on a premises adversely affects the supply of water to another premises, the Director: Water 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 and/or consumer of the first mentioned premises of such restrictions.

30. Restriction or cutting-off of supply

- (1) Subject to any other right the municipality may have, the City Manager may, if an owner has failed to pay a sum due in terms of the Tariff Policy By-law, by written notice inform him or her of the intention to restrict or cut off the supply of water on a specified date and to restrict or cut off such supply on or after that date.
- (2) Subject to any other right the municipality may have, the Director: Water 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 supply of water on a specified date and to restrict or cut off such supply on or after that date.
- (3) The consumer/owner must pay the fees for the restriction or cutting-off of supply and restoration of the water supply in terms of the Tariff Policy 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, who intentionally reconnects it, will on written notice be disconnected.

31. Interruption of supply at owner's request

- (1) The Director: Water 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.

32. Removal of water connection

The Director: Water may disconnect a water installation from the communication pipe and remove the communication pipe if -

- (a) the agreement for supply has been terminated in terms of section 23 and the Director: Water has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination, or
- (b) the building on the premises concerned has been demolished, or
- (c) the owner or occupier has unlawfully interfered with the water supply system serving the premises concerned.

33. Metering of water supplied

- (1) Water supplied to a premises must pass through a meter, installed between the communication pipe and water installation in a position determined by the Director: Water, 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, or
 - (c) circumstances determined by the Director: Water.
- (2) A meter and its associated apparatus is provided and installed by the municipality, remains its property, and may be replaced when deemed necessary by the Director: Water.
- (3) The municipality may install a meter and associated apparatus-
 - (a) at any point in the water installation serving the premises, and
 - (b) at any point in the connection pipe serving the premises.
- (4) A meter, installed in terms of subsection (3)(a), remains the property of the municipality.
- (5) If the municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3)(a), the owner -
 - (a) must provide an installation point approved by the Director: Water;
 - (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 fair 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 municipality on the meter, and
 - (f) may not use, not permit to be used, on any water installation, any fitting, machine or appliance which causes damage or in the opinion of the Director: Water, is likely to cause damage to the water supply system inclusive of the meter.
- (6) Only the municipality 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 subsection (6) must pay the municipality the cost of such quantity of water as in the opinion of the Director: Water was supplied.
- (8) If the municipality installs a meter together with its associated fittings in accordance with subsection (3)(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 municipality or over which it has a servitude or other right.
- (9) The Director: Water may at the owner's expense, 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 fittings, situated within such premises, must be carried out by the Director: Water, notwithstanding that this section of pipe forms part of the water installation, provided that the owner must allow the Director: Water free access to this pipe and/or meter and be responsible for reinstatement of surroundings upon completion of repairs.
- (11) An occupier of a premises must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated fittings, inform the municipality, where such meter has been installed in accordance with subsection (3)(a).
- (12) If access to a meter, installed in terms of subsection (3)(a), is denied for reading purposes, the Director: Water may-
- (a) upon written notice to the owner of the premises, inform him or her of the intention to install at the owner's cost, 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 to a meter, installed in terms of subsection (3)(a), is denied for reading purposes, 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 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 municipality, in terms of section 47, for the approval of the erection of a boundary structure, and where the existing meter has been installed in accordance with subsection (3)(a), such owner shall be 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 47, for the approval of alterations or extensions to an existing un-metered fire installation, such owner shall 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: Water, installed by the municipality as part of the connection to such premises.
- (16) If an owner submits a plan, in terms of section 47, for the approval of alterations and additions to an existing metered water installation, he or she shall 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: Water installed by the municipality as part of a connection to such premises.
- (17) If the Director: Water 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: Water determines that a combined domestic water and fire installation, which includes hydrants, must supply a 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 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 Director: Water may, in his/her discretion, provide and install either-
- (a) 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 municipality, for each accommodation unit or any number thereof.
- (21) Where the Director: Water has installed a single meter as contemplated in subsection (20)(a), the owner or the person having the charge or management of the premises, as

the case may be, must install and maintain on each branch pipe extending from the communication pipe to the different accommodation units-

- (a) a separate meter; and/or
- (b) an isolating valve, and
- (c) will be liable to the municipality 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.

34. Quantity of water supplied

For the purpose of assessing the quantity of water supplied through a meter over a specific period, it must be deemed, unless the contrary can be proved, that -

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

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

35. Water supplied from municipal hydrants

- (1) The Director: Water may permit a temporary supply of water to be taken from a fire hydrant, subject to such terms and conditions as he or she may prescribe.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in section 19.

36. Resale of water

- (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 20, or
 - (b) has obtained the prior written permission of the Director: Water.
- (2) If the Director: Water 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.

37. Defective meters

- (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 charge referred to in subsection (1) will be -
 - (a) retained by the municipality if the meter is found in terms of subsection (3) or (4) 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 77 of 1973) are applicable shall be 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 shall be 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.

38. Estimation of quantity of water supplied to consumer through defective meter

- (1) If a meter is found to be defective in terms of subsection 37(3) or (4), the Director: Water may estimate the quantity of water supplied to the consumer concerned during the period in which, in his or her opinion, 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, or
 - (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: Water 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: Water may estimate the quantity on any basis that is available.
- (3) The consumer must be informed of the method used by the Director: Water to estimate the quantity of water supplied to him or her, as contemplated in subsection (1) and (2) and given an opportunity to make representations to the Director: Water before a final estimate is arrived at.

39. Adjustment of quantity of water supplied if meter is defective

- (1) The adjustment of the quantity of water supplied through a defective meter shall be made for the period determined in terms of section 38.

- (2) For the purpose of adjusting the quantity of water in terms of subsection (1) it shall be 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 shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation, due to visible leaks.

40. Special Measurement

- (1) If the Director: Water 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 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 municipality.
- (3) The provisions of sections 33(5)(b) and 34(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 municipality 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

41. Water Restrictions

- (1) The council 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, and
 - (iii) in a specified manner, and
 - (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 Policy By-law .

- (2) The council may limit the application of the provisions of a notice contemplated in subsection (1) to specified areas and/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: Water may order a consumer to, at the consumers own expense, take such measures, including the installation of meters and devices for restricting the flow of water, as may in his or her opinion be necessary to ensure compliance with a notice published in terms of subsection (1).
- (4) The Director: Water -
 - (a) may discontinue or, for such period as he or she may deem fit, 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 shall also apply in respect of water supplied directly by the municipality to consumers outside the City, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).
- (6) Any person contravening the provisions of a notice published in terms of subsection (1) is guilty of an offence.

42. Wastage of Water

- (1) No person may, in the opinion of the Director: Water, 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, in the opinion of the Director: Water, it 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: Water 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 in the opinion of the Director: Water, the use of water by any equipment in a water installation is inefficient or wasteful, the Director: Water 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 shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by Director: Water.

43. Water Conservation and Demand Management

Any owner or consumer must comply with the good water conservation and demand management practices as set out in Schedule 2 of this by-law.

CHAPTER 4

WATER SERVICES INTERMEDIARIES

44. Registration

The council 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.

45. Provision of water services

- (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 municipality to consumers.

46. Charges for water services provided

- (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: Water.
- (2) A water services intermediary must provide subsidised water services, as determined by the council in terms of the Credit Control and Debt Management Policy By-Law and provided by the municipality to consumers at a price that is the same or less than the prescribed charges at which the municipality provides such services.

CHAPTER 5

PLANS APPROVAL**47. Plans approval procedure**

- (1) If an owner wishes to install a new water installation, he or she must first obtain the written approval of the Director: Water on plans submitted for scrutiny; provided that approval shall not be 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 49.
- (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) Authority given in terms of subsection (1) will , subject to section 48, lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the authority was given.

48. Extension of period of approval

The Director: Water may, on written application by the owner, prior to the expiry of the original period concerned and subject to payment of the prescribed charge, from time to time extend the period of validity of approval given in terms of section 47 for a period not exceeding 12 months at a time and subject to such conditions as he or she may deem fit.

49. Drawings

- (1) Unless the Director: Water 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: Water.
- (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.

50. Copies of drawings to be kept on site

Until receipt by the Director: Water of the certificate of compliance submitted in terms of section 53, a complete set of approved drawings of the installation work must at all times be available at the site of the work.

51. Unauthorised work

If installation work has been done in contravention of section 47, the Director: Water 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

52. Persons permitted to do installation and other work

- (1) No person, who is not qualified and accredited in terms of the South African Qualifications Authority Act, No. 58 of 1995, may-
 - (a) do installation work for which approval is required in terms of section 47;
 - (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 59.
- (2) The Director: Water may maintain a register of such qualified plumbers.

53. Responsibilities of a property owner

- (1) A property owner must ensure that the installation work done on his or her premises is carried out by a qualified plumber and complies with this by-law.
- (2) If installation work is being done in contravention of section 52, the Director: Water 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 54, and
 - (c) ensure that a certificate of compliance, stating that the work carried out complies with this by-law, is submitted to the Director: Water.

CHAPTER 7

DISINFECTION

54. Disinfection of water installations, including storage tanks.

- (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 SANS 10252:2004 Part1.
- (4) Notwithstanding the provisions of subsection (3) -
 - (a) the Director: Water may, if he or she is of the opinion that 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 SANS10252: 2004 Part 1.

CHAPTER 8

GENERAL WATER INSTALLATION REQUIREMENTS

55. Provision and maintenance of water installations

- (1) An owner must provide and maintain the water installation at own cost and, except-
 - (a) in the case of a connection to a communication pipe, or
 - (b) where permitted in terms of section 21, andmust 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: Water or the owner of the land on which such portion is situated, as the case may be.

56. Schedule of accepted pipes and water fittings

- (1) No person may install or use a pipe or water fitting in a water installation unless it is listed in the Schedule of Accepted Pipes and Water Fittings, and otherwise in accordance with conditions imposed in terms of Schedule 3.
- (2) Notwithstanding the provision of subsection (1) the Director: Water 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 the schedule.
- (3) The Director: Water may, in respect of any pipe or water fitting included in the schedule, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.
- (4) The Director: Water may at any time remove a pipe or water fitting from the schedule if the pipe or water fitting-
 - (a) no longer complies with the criteria upon which its inclusion was based, or
 - (b) in his or her opinion, is no longer suitable for the purpose for which its use was accepted.
- (5) Copies of the current schedule are available at the office of the municipality during working hours.
- (6) A pipe or water fitting will not be included in the schedule referred to in subsection (1) 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 shall be issued for a period exceeding two years;
 - (c) is included in the list of water fittings accepted by JASWIC, or
 - (d) is acceptable to the Director: Water.

57. Design criteria for water installations

- (1) An owner must ensure that-
 - (a) water installations comply with SANS 10252: 2004 Part 1 , or as it may be amended;
 - (b) hot water cylinder installations comply with SANS 10254: 2004 or as it may be amended;
 - (c) solar heated water installations comply with SANS 10106:1972 or as it may be amended;
 - (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;
 - (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;

- (f) the design of storage tanks is in accordance with SANS 10252: 2004 Part 1 and with section 58;
 - (g) the use of pipes supplying water in any installation is in accordance with SANS 10252: 2004 Part 1 and with Annexure “3” or as it may be amended;
 - (h) immediately downstream of the isolating valve, referred to in section 28(2)(a) and (b), a non-return valve of similar size as the service pipe 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 the same, an in-line strainer is installed, in a position so as to allow easy maintenance.
- (2) The Director: Water 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 the Director: Water is of the opinion that a pipe or water fitting of a particular type is unsuitable for use in a particular situation, he or she 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.

TABLE 1

| Type of Consumer | Storage Required |
|--|--|
| 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. | 40litres to 50litres per capita |
| Multiple dwelling units exceeding height determined in terms of section 29(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

| Type of Consumer | Storage Required |
|---|--|
| 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 |

58. Storage Tanks

- (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 SANS 10100-1 and SANS 1200-G where only the interior is accessible for inspection and cleaning.
- (2) No persons may without the written consent of the Director: Water cause or allow a tank, buried or placed in the ground, to be used for reception or storage of water supplied by the municipality.
- (3) Any person who uses a storage tank to store water of potable quality must ensure that-
 - (a) it is of contamination proof design and in accordance with the requirements of the Director: Water;
 - (b) the overflow and vent of a contamination proof tank is screened to prevent the ingress of insects, animals, and other sources of pollution, and
 - (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.
- (4) Unless authorised in writing by the Director: Water, 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 municipality 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.

59. Prevention of Pollution of Water

- (1) An owner must provide and maintain measures approved by the Director: Water 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: Water must approve the appropriate level of backflow prevention required in each instance.

CHAPTER 9**FIRE INSTALLATIONS****60. Fire Installations**

- (1) An owner must ensure that-
 - (a) hose reel and hydrant installations comply with SANS 10252: 2004 Part 1, and
 - (b) automatic sprinkler systems comply with SANS 10287: 2000.
- (2) The Director: Water may grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.
- (3) No water will be supplied to any fire extinguishing installation without a certificate of approval issued in terms of section 53 and that the installation complies with the requirements of this by-law.
- (4) If the Director: Water is of the opinion that 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 improperly maintained, or is being used for purposes other than fire fighting, he or she may either require the installation to be disconnected from the main or disconnect it, at the owner's expense.
- (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: Water determines whether automatic sprinkler systems must be metered.

CHAPTER 10**MISCELLANEOUS PROVISIONS REGARDING NON-POTABLE WATER****61. Use of water from other sources than the municipal water supply**

- (1) No one may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has

been approved by the Director: Water for that purpose and in accordance with the conditions determined by the Director: Water.

- (2) No person may connect a water supply obtained from any source other than the municipal water supply to any water distribution system without the prior written approval of the Director: Water, and then only in accordance with the conditions determined by the Director: Water.
- (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: Water with such particulars regarding the water source as may be required.
- (4) An owner of premises contemplated by subsection (3), must at own cost, on being called upon to do so, furnish the Director: Water with such certificates of analysis and bacteriological investigation in respect of water sources on those premises as may be required.
- (5) The Director: Water may withdraw any consent given in terms of subsection (1) if, in the opinion of the Director: Water-
 - (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 : Water.
- (6) The provisions of this section do not exempt any person from complying with the applicable provisions of the National Water Act, 1998 (Act 36 of 1998) or any other relevant national legislation.

62. Wells, boreholes, wellpoints and excavations

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

- (a) is adequately safeguarded from creating a health nuisance, and
- (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.

63. Notice of the sinking or digging of boreholes, wells and wellpoints

- (1) No one may sink or dig, or cause or permit to be sunk or dug, a well, wellpoint or borehole, unless the Director : Water 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 municipality's sewerage system, the owner must install a meter to the

municipality's specification in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

- (4) The council may, by public notice, require the owner of any premises within any area of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that it may require.
- (5) The Director: Water, if he or she finds it necessary, 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.

64. Supply of non-potable water by the municipality

- (1) The Director: Water may on application in terms of section 19 grant a supply of non-potable water to a consumer and at 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, in the opinion of the Director: Water, may give rise to a health hazard.

65. Disclaimer in respect of non-potable water quality

- (1) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the municipality 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 municipality is not liable for any consequential damage or loss arising directly or indirectly therefrom.

66. Warning notices

- (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 shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) must be in the three official languages used in the province.

Schedule 1

REPEAL OF BY-LAWS

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|---|--|
| Brackenfell Municipality | Water Supply By-law: PN 499/1970 |
| Cape Town, City of Cape Town, City of | Water By-law: PN 30/1996 Water Services By-law to Limit or Restrict the Use of Water, Provincial Gazette 5994 of 28 March 2003 |
| Durbanville Municipality | Water By-law: PN 665/1968 |
| Durbanville Municipality | Additional Water Supply By-law: PN 612/1994 |
| Goodwood Municipality | Water By-law: PN 337/1991 as amended |
| Ikapa Town Council | Water Supply By-law: GN R1107/1984 |
| Kraaifontein Municipality Kraaifontein Municipality | Water By-law: PN 842/1960, as amended Additional Water Supply By-law: PN 848/1979, as amended |
| Kuils River Municipality Kuils River Municipality | Water By-law: PN 581/1962 Additional Water Supply By-law: PN 216/1978, as amended |
| Lingeletu-West Town Council | Water Supply By-law: GN R1107/1984 |
| Llwandle Town Council | Water Supply By-law: GN R1107/1984 |
| Mfuleni Town Council | Water Supply By-law: GN R1107/1984 |
| Milnerton Municipality | Additional Water Supply By-law: PN 110/1982 |
| Parow Municipality | Additional Water Supply By-law: PN 98/1930, as amended |
| Pinelands Municipality: | Water Supply By-law: PN 198/1924, as amended |
| Simon`s Town Municipality Simon`s Town Municipality Simon`s Town Municipality | Water Supply By-law: PN 662/1954, as amended Additional Water Supply By-law: PN 663/1954 Water Supply By-law: PN 1059/1975, as amended |
| Somerset West Municipality | Water Supply By-law: PN 310/1910, as amended |
| West Coast Peninsula Municipality | Water Supply By-law: PN 14/1997 |

Schedule 2**WATER DEMAND MANAGEMENT**

1. No person may without prior written authority from the Director: Water, 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 shall be attached to the hose end.
3. No person may without prior written authority from the Director: Water 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 recycle a minimum of 50% of the water used in operations.
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, or
- (b) have a removable handle for operating purposes, or
- (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 3 650 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 municipality. 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 municipality.
- (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 3

PIPES USED TO CONVEY POTABLE WATER

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 combined fire/domestic installations in an above ground position.

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 shall 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 municipality's main, and are supplied with water from it.

Any pipe conveying water from a main may not be installed as an integral part of a concrete structure.