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THABAZIMBI LOCAL MUNICIPALITY BUILDING REGULATIONS BY-LAW

BUILDING REGULATIONS BY-LAW (SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDINGS STANDARDS ACT)

The Municipal Manager of Thabazimbi Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Building Regulations By-Law (Supplementary to the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and Regulations made under the Act and Approved by the Minister of Trade and Industry in terms of Section 29 (2) and 29(8)(a) of the Act) for the Thabazimbi Local Municipality, to be approved by the Council, as set out hereunder.

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PART A

DEFINITIONS

1. Definitions

In these by-laws all words and phrases, except the words and phrases defined in these by-laws, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise –

"Adequate" means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"Antisiphonage Pipe" means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

"Approved" means approved by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"Cleaning Eye" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"Communication Pipe" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

"Connecting Sewer" means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

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"Connection" means the point at which a drain is connected to a connecting sewer;

"Conservancy Tank" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"Consumer" means -

- (a) the owner or occupier of any premises to which the Municipality has contracted to supply water;
- (b) a person who has entered into a contract with the Municipality for the supply of water; or
- (c) a person who lawfully obtains water from the Municipality;

"Drain" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or antisiphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

"Drainage Installation" means an installation vested in the owner of premises and includes a drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, antisiphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

"Drainage Work" means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

"Industrial Effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or stormwater;

"Main" means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

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"Municipality" means the Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the Municipality's Mayoral Committee acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960), or any officer to whom the Mayoral Committee has delegated, in terms of the provisions of section 58(3) of that Ordinance, any function, duty or power vested in the Municipality in respect of these by-laws;

"Owner" means -

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;

(b) 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 the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and

(c) 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 the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

"Piece of Land" means -

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

"Premises" means a piece of land, the external surface boundaries of which are delineated on -

(a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in

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terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

"Purified Sewage Effluent" means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

"Sanitary Fitting" or **"Sanitary Appliance"** means a soil-water fitting or waste-water fitting;

"Septic Tank" means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

"Sewage" means soil water, waste water or industrial effluent, whether separately or together;

"Sewer" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"Soil Water" means a liquid containing human or animal excreta;

"Soil-Water Fitting" means a fitting that is used to receive and discharge soil water;

"Soil-Water Pipe" means a pipe, other than a drain, that is used to convey soil water with or without waste water;

"Stack" means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

"Stormwater" means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

"Tariff" means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section 80B of the Local Government Ordinance (Ordinance 17 of 1939);

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"Trap" means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

"Ventilation Pipe" means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

"Waste Water" means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

"Waste-Water Fitting" means a fitting that is used to receive and discharge waste water;

"Waste-Water Pipe" means a pipe, other than a drain, that is used to convey waste water only;

"Water Care Works" means a water works for the purification, treatment or disposal of effluent; and

"Water Seal" means the water in a trap which serves as a barrier against the flow of foul air or gas.

PART B SCOPE OF BY-LAWS

2. Scope of by-laws

(1) These by-laws are supplementary to the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or these by-laws.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

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PART C

STREETS AND PAVEMENTS

3. Catheads, Cranes and Platforms

A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

4. Slab Footways and Pavements

(1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.

(2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following further requirements:

(a) For ordinary paving or slabs the minimum crossfall is 1:100 and the maximum crossfall is 1:25.

(b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15.

(c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

(3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

(4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

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5. Plants on street verges

(1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.

(3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

6. Street gutter bridges

No person may without the express permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

BUILDINGS

7. Encroachments

With the consent of the Municipality -

(a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

(b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m; (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and

(c) a projection from any eaves may exceed a street boundary or building line.

8. Restriction on the erection of buildings within the one-in-fifty-year flood-line

(1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

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(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and
of the centre of the natural watercourse.

(3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

9. Relay of stormwater from high-lying erven to lower-lying erven

If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lowerlying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from which stormwater is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharged.

10. Enclosures

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of these by-laws.

11. Roofs

(1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 months after construction thereof if the Municipality so requires.

(2) No roof surface may have a luminous finish.

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PART D SEWERAGE

GENERAL PROVISIONS

12. Connection to sewer

(1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

(2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.

(3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.

(4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.

(5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.

(6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

13. Disconnection of drainage installations and conservancy and septic tanks

(1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with

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earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.

(2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that -

(a) the disconnection has been completed in terms of the National Building Regulations; and

(b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.

(3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).

(4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under these by-laws.

(5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

14. Drainage work that does not meet the requirements

(1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these by-laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous by-laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the

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drainage installation as the notice may specify and within the time the notice may specify.

(2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.

(3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or these by-laws -

(a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws; and

(b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15. Maintenance

Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

16. Drain and sewer blockages

(1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

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(2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.

(3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person contemplated in subsection (3) must -

(a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and

(b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.

(5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).

(6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

(7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).

(8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

17. Interference with or damage to sewers and water care works

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of noncompliance with or the contravention of any provision of the

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National Building Regulations or these by-laws must be rectified or repaired by the Municipality at the expense of the person responsible for such noncompliance or contravention or for causing or permitting such noncompliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

18. Entry onto premises

(1) An officer authorised by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

(2) The owner or occupier of any premises is guilty of an offence under these by-laws if he or she, in respect of an officer entering on the premises in terms of subsection (1) -

(a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;

(b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;

(c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or

(d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

19. Manholes on municipal property

(1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner of the premises, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide, and such owner must bear the cost, as determined by the Municipality, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.

(2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 80B of the Local Government Ordinance, 1939.

20. Mechanical food-waste and other disposal units

(1) No person may incorporate into a drainage installation a mechanical foodwaste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that -

(a) the Municipality installs and seals the water meter at the cost of the owner; and

(b) the Municipality has the right of access to the water meter at all times.

(2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.

(3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

(4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

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PREVENTION OF WATER POLLUTION

21. Sewage and other pollutants not to enter stormwater drains

(1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.

(2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to -

(a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or

(b) contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimise the discharge or pollution.

22. Stormwater not to enter sewers

No person may discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a drainage installation.

23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

24. Permission to discharge industrial effluent

(1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.

(2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application

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must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -

(a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and

(b) liable for any damage caused as a result of the unauthorized discharge.

(6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or

(b) a prosecution in terms of the Water Services Act, 1997 (Act 108 of 1997), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.

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(7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Services Act, 1997 (Act 108 of 1997), or as a result of any amendment to these by-laws or for any other reason, the Municipality may from time to time or at any time -

(a) review, amend, modify or revoke any permission given or any conditions attached to such permission;

(b) impose new conditions for the acceptance of industrial effluent into a sewer; or

(c) prohibit the discharge of any or all industrial effluent into a sewer, provided that -

(i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. Control of industrial effluent

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-laws, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality.

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of these by-laws, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is

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necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Services Act, 1997 (Act 108 of 1997).

(b) The owner or occupier must -

(i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

(ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

(c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -

(i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or

(ii) discharging any domestic sewage through the separate installation for industrial effluent.

(d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.

(e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

(f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.

(g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

26. Metering and assessment of the volume and composition of industrial effluent

(1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.

(2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must -

(a) register the borehole or well with the Municipality;

(b) give the Municipality full particulars of the discharge capacity of the borehole or well; and

(c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these by-laws.

27. Prohibited discharges

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -

(a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;

(b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;

(c) has a pH value less than 6,0 or greater than 10,0;

(d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;

(e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;

(f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;

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- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that -
 - (i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
 - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not -
 - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
 - (bb) prejudice the use of sewage for re-use; or
 - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
 - (j) contains any substance whatsoever which, in the opinion of the Municipality -
 - (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
 - (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Services Act, 1997 (Act 108 of 1997), or (iii) whether listed in Schedule II or not, either alone or in combination with other matter may -
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.
- (2) (a) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection
- (1) must immediately stop such discharge.

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(b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-laws.

Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

PART E WATER

28. Connection from main

(1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.

(2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.

(3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

29. Valves in communication pipes

Every communication pipe must be fitted with a proper stop valve, which valve -

(a) must be supplied by the Municipality at the expense of the consumer to whose premises the communication pipe leads;

(b) must be installed between the consumer's premises and the main;

(c) must be of the same diameter as the communication pipe; and

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(d) must be in such position as may be determined by the Municipality.

30. Additions to fire extinguishing system

No further sprinkler may without the prior written consent of the Municipality be added or connected to any existing fire extinguishing system after such system has been connected to the main.

31. Extension of fire extinguishing system to other premises

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

32. Inspection and approval of fire extinguishing services

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that -

- (a) such service is in accordance with these by-laws; and
- (b) the work in connection with the system has been carried out to the Municipality's satisfaction.

33. Connections to be to the satisfaction of the Municipality

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

34. Installation of reflux valves

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

35. Sprinkler systems

- (1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system on any premises has been installed and completed, the

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owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

36. Header tanks and duplicate supply from main

If a header tank is installed above ground level, the header tank must be provided with an overflow pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

PART F NOTICES

37. Notices

(1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by an officer of the Municipality who is duly authorised thereto.

(2) Any notice, order or other document served on any person in terms of these by-laws must be served in the following manner:

(a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or

(b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.

(3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

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PART G OFFENCES AND PENALTIES

38. Offences and penalties

(1) Notwithstanding any provision of these by-laws in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

(2) A person commits an offence if he or she fails in any way to comply with a notice which has been served on him or her by the Municipality and in which he or she is ordered to do or not to do something and, where such failure continues, he or she commits such offence each day or part of the day on which the failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

SCHEDULE I CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

1. Height restrictions

(1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1 m, irrespective of the type of material from which the enclosure is made.

(2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

2. Design and appearance

(1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:

(a) All surfaces of the enclosure that are visible from an adjacent street or public open space must -

(i) be skilfully finished;

(ii) be of good quality material;

(iii) be without any defect; and

(iv) have an exposed or finished side.

(b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.

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(c) If the enclosure is made of precast material, it must -

- (i) have a brick-pattern finish and be painted white; or
- (ii) be of a finish or colour approved by the Municipality.

(d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

(2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:

(a) All surfaces of the enclosure that front on an adjacent erf must -

- (i) be skilfully finished;
- (ii) be of good quality material;
- (iii) be without any defect; and
- (iv) be maintenance-free.

(b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.

(c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

3. General

Notwithstanding the provisions of paragraphs 1 and 2 -

(a) the Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;

(b) an enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;

(c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;

(d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and

(e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

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SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:

(i) The limits of pH and electrical conductivity of sewage are as follows:

(a) PH: within the range of 6,0 to 10,0; and

(b) electrical conductivity: not greater than 300 m/Sm at 20 °C.

(ii) The maximum permissible concentrations of pollution in sewage, expressed in milligrams per litre (mg/l), are as follows:

(a) GENERAL

(i) Permanganate value (PV): 1 400 mg/l;

(ii) caustic alkalinity (expressed as CaCO₃): 2 000 mg/l;

(iii) substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 mg/l;

(iv) substances soluble in petroleum ether: 500 mg/l;

(v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 mg/l;

(vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or water care works (expressed as HCN): 20 mg/l;

(vii) formaldehyde (expressed as CH₂O): 50 mg/l;

(viii) phenolic compounds: 1,0 mg/l;

(ix) non-organic solids in suspension: 100 mg/l;

(x) chemical oxygen demand (COD): 5 000 mg/l;

(xi) all sugars and/or starches (expressed as glucose): 1 500 mg/l;

(xii) available chlorine (expressed as Cl): 100 mg/l;

(xiii) sulphates and sulphites (expressed as SO₄): 1 800 mg/l;

(xiv) fluorine-containing compounds (expressed as F): 5 mg/l;

(xv) anionic surface activators: 500 mg/l; and

(xvi) orthophosphates (expressed as P): 10 mg/l.

(b) METALS

(i) Group 1

The total collective concentration of the following metals (which constitute Group 1) in any sample of

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effluent may not exceed 20 mg/l, nor may the concentration of any individual metal in any sample exceed 5 mg/l:

- (aa) Chromium (expressed as Cr);
 - (bb) copper (expressed as Cu);
 - (cc) nickel (expressed as Ni);
 - (dd) zinc (expressed as Zn);
 - (ee) silver (expressed as Ag);
 - (ff) cobalt (expressed as Co);
 - (gg) cadmium (expressed as Cd); and
 - (hh) manganese (expressed as Mn).
- (ii) Group 2

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/l, nor may the concentration of any individual metal in any sample exceed 20 mg/l:

- (aa) Lead (expressed as Pb);
 - (bb) selenium (expressed as Se); and
 - (cc) mercury (expressed as Hg).
- (iii) Group 3

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/l:

- (aa) Arsenic (expressed as As); and
 - (bb) boron (expressed as B).
- (c) RADIOACTIVE WASTE

Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

(i). The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

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(1) All procedures shall be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.

(2) In the case of prepacked food, and if it is necessary, the inspector shall remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation shall remove the packaging at his or her own risk.

(3) The temperature of food shall as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature

Prepacked food

(1) If the food is prepacked, the estimated temperature of the food may be measured by placing or at least one minute the stem of a thermometer (hereinafter referred to as the “stem”) between two or more food packages or, in the case of a single food package, on the outer surface of the package.

(2) If the temperature reading is not in compliance with the core temperatures specified in Annexure D to these regulations or if the inspector has any doubts regarding the temperature of the food inside the package, the surface or core temperature of the food may be measured to determine the actual temperature.

Core temperature

(3) If the food product is frozen a hole shall be drilled in the food up to the estimated core of the food product with a sterilised stainless steel bit with an external measurement of about 4mm. The sterilised stem shall be inserted into the hole up to the estimated centre of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilised stem shall be inserted up to the estimated core of the food product and a reading shall be taken after one minute.

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Surface temperature

(4) The surface temperature shall be measured by placing the sterilised stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

4. Presumption in respect of representative temperature reading

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.