

Cape Agulhas, South Africa

## Wastewater

Legislation as at 3 October 2005

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# Cape Agulhas South Africa

## Wastewater By-law, 2005

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### 1. Definitions

In this by-law:—

"**council**" means the council of the municipality;

"**engineer**" means the person appointed by the municipality to act as engineer for the purpose of administering this by-law;

"**industrial effluent**" means any liquid whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial trade, manufacturing, mining or chemical process or any laboratory, research, service, or agricultural activity, and includes matter discharged from a waste grinder;

"**municipal sewer**" means any pipe or conduit for the carriage of wastewater, the ownership of which is vested in the municipality;

"**municipality**" means the Municipality of Cape Agulhas;

"**occupier**" means any person in actual occupation of premises or having the charge or management thereof, without regard to the title under which he or she occupies it;

"**owner**" in relation to property or premises, means the person in whom is vested the legal title to property or premises and includes an occupier;

"**private sewer installation**" means any pipe or conduit and fittings which are situated on any property or premises, the ownership of which is vested in the owner thereof and used or intended to be used in connection with the carriage of wastewater from such premises, to the municipal sewer;

"**property**" or "premises" means any piece of land, with or without improvements;

"**stormwater**" means the water resulting from natural precipitation or accumulation and includes rainwater, groundwater or spring water;

"**Tariff Policy By-law**", means the Tariff Policy By-law adopted by the municipality and published in Provincial Gazette.

"**waste grinder**" means any mechanically operated device which grinds and flushes matter into the wastewater system or removes from vegetables or other foodstuffs, peels, skins, scales or other matter for discharge directly or indirectly into the wastewater system, and includes effluent from a food waste grinder;

"**wastewater**" means any liquid waste, whether or not containing matter in solution or suspension, and includes domestic liquid waste and industrial effluent but excludes stormwater,

"**wastewater system**" means the structures, sewers, pipes, valves, pumps, meters or other appurtenances under the control of the council, which may be used for the carriage or disposal of wastewater.

## Chapter 1 General

### 2. Duties of owners of property

- (1) Every owner of property must on receipt of a written notice by the engineer and at the cost of the owner—
  - (a) construct a private sewer installation on his or her premises;
  - (b) connect a private sewer installation to the municipal sewer, whether directly or indirectly as required by the engineer;
  - (c) enlarge the capacity of a private sewer installation to comply with a greater discharge, or
  - (d) reconstruct a private sewer installation to comply with the requirements of the engineer.
- (2) No owner of property may allow—
  - (a) the ingress of groundwater into a private sewer installation on his or her premises, or
  - (b) the seepage of wastewater from a private sewer installation on his or her premises, or
  - (c) the ingress of stormwater into a private sewer installation on his or her premises, except with the written consent of the engineer and subject to such conditions as the engineer may determine.
- (3) Every owner of property must take adequate measures to prevent the ingress of groundwater and stormwater and the seepage of wastewater.
- (4)
  - (a) Every owner of property must at his or her own expense maintain and repair a private sewer installation on his or her premises and keep it in a good and proper state of repair, to the satisfaction of the engineer.
  - (b) Where the properties of more than one owner are served by a single private sewer installation such owners is jointly and severally responsible for the duty of maintaining and repairing it.

### 3. Protection of municipal sewers

- (1) No person may, except with the written consent of the engineer and subject to such conditions as he or she may determine—
  - (a) construct, erect or lay any building, structure or other thing over or in such a position or in such a manner as to interfere with or endanger any municipal sewer;
  - (b) excavate, open up or remove the ground above, next to, under or near any municipal sewer;
  - (c) damage, endanger or destroy or do any act likely to damage, endanger or destroy any municipal sewer;
  - (d) make any opening in any municipal sewer, or abstract, divert or cause to be abstracted or diverted any wastewater therefrom;
  - (e) discharge, permit to enter or put into any municipal sewer—
    - (i) any stormwater;

- (ii) any gas or steam;
  - (iii) any liquid (not being domestic wastewater) of a temperature higher than 40 degrees centigrade;
  - (iv) any petrol, oil, greases, waxes, fat or pesticides, insecticides or paints;
  - (v) any refuse or waste resulting from any industrial, trade, manufacturing or chemical process;
  - (vi) any liquid which has a pH value of less than five comma five or greater than twelve;
  - (vii) any substance which gives off or is liable to give off explosive, poisonous or inflammable gases or vapours;
  - (viii) any inflammable substance;
  - (ix) any substance which contains volatile flammable solvents or solvents immiscible with water;
  - (x) any substance which may, in the opinion of the engineer, by itself or in combination with any other substances
    - (aa) cause a nuisance to any person;
    - (bb) endanger the health of or injure any person:
    - (cc) interfere with the free flow of wastewater;
    - (dd) injuriously affect any sewer or wastewater works or land connected with any sewer or with the carriage, treatment, purification, disposal or re-use of wastewater, or
    - (ee) in any way prejudice the disposal or re-use of wastewater effluent after treatment or purification or lead to an effluent which does not meet the requirements imposed in terms of any applicable legislation;
  - (f) discharge any substance other than industrial effluent into a separate private system of carriage, and
  - (g) in cases where a separate private system of carriage for industrial effluent is installed, discharge industrial effluent into any other sewer.
- (2) The engineer may order that the person or persons responsible—
- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of this section;
  - (b) fill in and make good any ground excavated or removed in contravention of this section;
  - (c) repair and make good any damage done in contravention of this section or resulting from a contravention of this section;
  - (d) remove anything discharged, permitted to enter or put into a municipal sewer in contravention of this section, and
  - (e) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any municipal sewer.
- (3) If a person fails to comply with an order issued in terms of subsection (2), the engineer may take such steps as he or she may deem necessary to rectify the matter at the cost of the person responsible.

- (4) The engineer may, at the cost of the owner, disconnect from the municipal sewer system any private sewer installation which, in the opinion of the engineer, in any way endangers or injuriously affects or may endanger or injuriously affect the wastewater system or part thereof or land connected with any sewer or the carriage, treatment, purification, disposal or re-use of wastewater, and require from such owner to—
  - (a) make such arrangements as may be necessary for the safe disposal of wastewater on the premises of the owner, or the carriage thereof to a treatment installation or other suitable place approved by the engineer, and
  - (b) clean, repair, reconstruct, replace, reposition or otherwise comply with such requirements as the engineer may determine.

#### **4. Clearing of blocked private sewers**

- (1) The engineer may, at the cost of the owner, arrange for the clearing of blockages in a private sewer installation.
- (2) Where two or more properties are connected to a single private sewer installation, the cost of clearing any blockage will be divided between the owners of the premises served by such private sewer installation, unless the blockage takes place in a part of the private sewer installation used by one owner only, in which case the cost of removing the blockage must be borne by that owner.
- (3) No costs which will be recovered from the owner if the engineer is satisfied that a private sewer installation became blocked as a result of a defect or a blockage in the municipal sewer.

## **Chapter 2 Connection to Wastewater System**

#### **5. Approval for connections**

- (1) An owner of property who wishes to connect the private sewer installation on his or her property to the municipal sewer must obtain the engineer's consent and no person may establish or attempt to establish any such connection without the engineer's consent.
- (2) An application in terms of subsection (1) must be made on a form provided by the engineer and must be accompanied by the fee for the connection, as determined in terms of the Tariff Policy By-law.

#### **6. Connections by municipality only**

- (1) No person other than the engineer may connect any private sewer installation to a municipal sewer.
- (2) Notwithstanding the provision of subsection (1), the engineer may, subject to such conditions as the engineer may deem fit, authorise a qualified plumber to connect a private sewer installation to a municipal sewer.

#### **7. Point of connection**

The engineer may prescribe at what point of the municipal sewer a private sewer installation is to be connected.

## 8. Single connection

- (1) Only one connection to the municipal sewer may be provided to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Despite subsection (1), the engineer may permit more than one connection if, in the opinion of the engineer, undue hardship or inconvenience would be caused to any owner.
- (3) Where more than one connection is authorised by the engineer under subsection (2), the actual cost for the construction of such connection incurred on the date of connection is payable in respect of the connection so authorised.

## Chapter 3 Industrial Effluent

## 9. Consent to discharge industrial effluent

- (1) No person may, except with the written consent of the engineer, and subject to such conditions the engineer may determine—
  - (a) discharge or permit the discharge of industrial effluent directly or indirectly into any wastewater system;
  - (b) increase, or permit to be increased, the quantity or vary, or permit to be varied, the nature, content or composition of any industrial effluent in contravention of the approval granted by the engineer, or
  - (c) contravene, or permit to be contravened, any other condition imposed by the engineer when consent was granted to discharge industrial effluent.
- (2) The engineer may if valid reasons exist, revoke any approval granted or amend the conditions under which wastewater may be discharged.

## 10. Alternative disposal of industrial effluent

- (1) Where no municipal sewer is available for the discharge of wastewater, no person may dispose of industrial effluent—
  - (a) unless the engineer has approved the method of transportation and imposed such conditions as the engineer may deem fit, and
  - (b) by any method of transportation unless written proof of acceptance is provided in every instance by the person in charge of a facility approved by the engineer where such wastewater is disposed of; such proof to be retained and made available for inspection by the person who generated the wastewater or its by-products for at least one year after the date of such disposal.
- (2) No person who transports industrial effluent by any means other than waterborne transportation may—
  - (a) dispose of such industrial effluent at or in any place other than at a facility approved by the engineer, or
  - (b) allow such industrial effluent to spill, leak or seep from any container.

**11. Charges in respect of industrial effluent**

An owner of property who has been granted consent to discharge, or permit the discharge of industrial effluent into a municipal sewer, shall pay to the municipality the fees determined in terms of the Tariff Policy By-law.

**Chapter 3  
Legal Matters****12. Delegation**

The engineer may delegate any power or duty conferred on the engineer in terms of this by-law to an employee of the municipality.

**13. Offences and penalties**

Any person who—

- (a) contravenes any provision in this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any councillor, officer or official of the council in the exercise or performance of his or her duties or functions in terms of this by-law, or
- (c) deliberately furnishes false or misleading information to a councillor, officer or official of the council, will be guilty of an offence and liable on conviction to a fine.