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**KNYSNA MUNICIPALITY
FUNERAL PARLOURS, CEMETERIES AND CREMATORIA BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa (Act 106 of 1996), the Knysna Municipality, enacts as follows -

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1. Interpretation

- (1) In this by-law words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates -

“**adult**” means a deceased person over the age of 12 years and where the word is used to define a corpse, a deceased person whose coffin will fit into the grave opening prescribed for adults in section 19;

“**aesthetic section**” means a cemetery or section of a cemetery which has been set aside by the Municipality wherein only headstones may be erected;

“**approved**” means approved by the Municipality;

“**ashes**” means the cremated remains of a corpse;

“**berm**” means a concrete base laid at the head of a grave and on which a memorial is erected;

“**body**” means any dead human body, including the body of any stillborn child;

“**burial**” means interment in earth, a sepulchre or tomb;

“**burial order**” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

“**caretaker**” means an official who is designated by the Municipality from time to time in terms of section 7 of this bylaw;

“**cemetery**” means a land or part of a land within the municipal area set aside by the Municipality as a cemetery;

“**ceremony**” means any ceremony relating to the interment of a corpse;

“**child**” means a person who is not an adult and where the word is used to define a corpse, means a deceased person whose coffin will fit into the grave opening prescribed for children in section 19, and includes the corpse of a stillborn child and a foetus;

“**coffin**” means any form of a solid non-transparent outer shell, which completely encloses the body and is of sufficient strength to bear the weight of a body without collapsing;

“**columbarium**” means a place set aside in the basement of a crematorium or chapel containing rows of niches for the purpose of placing receptacles containing the ashes of cremated corpses therein;

“**corpse**” means the remains of a deceased person and includes a still-born child and foetus;

“**cremation**” means the process whereby a corpse is disposed of by fire;

“**crematorium**” means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which a ceremony is conducted and the cremation carried out;

“**cremated remains**” means all recoverable ashes after the cremation;

“**exhumation**” means the removal of a corpse from its grave;

“**funeral undertaker’s premises**” has the meaning assigned to it in regulation 1 of the Regulations;

“**garden of remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work or a wall of remembrance;

“**grave**” means a piece of land, within a cemetery or heritage site, excavated for the burial of a corpse and includes the headstone, number or marker of and a structure on or associated with the grave;

“**heroes acre**” means an area of land set aside for the burial of a hero;

“**interment**” means any method used for disposing of a corpse;

“**medical officer of health**” means the officer appointed by Municipality or any other person acting in the capacity of the medical officer of health;

“**memorial section**” means a section of a cemetery set aside for the erection of memorials;

“**memorial work**” means any headstone, monument, plaque, other work or object, erected or intended to be erected in a cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“**Municipality**” means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures Act, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**name**” includes any identifying description of a deceased human being who possessed no name or whose name is unknown;

“**niche**” means a compartment in a columbarium or wall of remembrance for the placing of ashes;

“**ordinance**” means the Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965);

“**panoramic section**” means a section in a cemetery set aside by the Municipality where memorial work is restricted to a plaque or memorial slab;

“**prescribed**” means prescribed by the Municipality;

“**prescribed fee**” means a fee determined by the Municipality in its Customer Care and Revenue Management By-law;

“**private cemetery**” means a cemetery which is used as a cemetery but which has not been set aside as such by the Municipality;

“**Regulations**” means the Funeral Undertakers’ Premises, made under sections 33 and 39 of the Health Act, 1977 (Act 63 of 1977), and published as Government Notice No. 237 of 8 February 1985;

“**special maintenance**” means any maintenance, which does not fall under the normal general maintenance to be done by the Municipality, e.g. special plants etc.;

“**tomb**” means an above ground burial vault;

“**wall of remembrance**” means a structure (in a cemetery) which contains niches in which urns containing ashes can be stored.

- (2) If any provision in this by-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Principles and objectives

The purpose of this by-law is to control funeral undertaker’s premises, to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a corpse by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

CHAPTER 1: FUNERAL UNDERTAKERS’ PREMISES

3. Applicable legislation

The National Building Regulations and Building Standards Act, 103 of 1977 apply in respect of funeral undertaker’s premises.

CHAPTER 2: GENERAL PROVISIONS RELATING TO CEMETERIES AND CREMATORIA

4. Establishment and maintenance of cemeteries

- (1) The Municipality may set apart any piece of land within its area of jurisdiction for the purposes of a cemetery and is responsible for the general maintenance of such cemetery.
- (2) The Municipality may, within such a cemetery, provide separate areas for exclusive use by different religious groups, taking into consideration the customs or religious conventions of such groups.
- (3) The establishment of a cemetery as contemplated in subsection (1), must be preceded by the relevant processes as prescribed by the applicable legislation.
- (4) Notwithstanding the provisions of subsection (1), the responsibility for any special maintenance of the areas contemplated in subsection (2), rests with the group to which exclusive use was granted and subject to the approval of the Municipality.

5. Alternatives to burial

The Municipality may, if compelled to do so by environmental considerations or the shortage of land for burial purposes, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be disposed of by any other accepted method other than burial.

6. Demarcation of grave plots

The Municipality shall demarcate grave plots in accordance with an approved layout plan.

7. Designation of caretaker

- (1) The Municipality may designate a caretaker for each cemetery or crematorium to control and administer the cemetery or crematorium, including the setting of conditions and the allowing or disallowing of certain activities.
- (2) The caretaker must take into account the customs of the deceased person and the people responsible for the burial or cremation and must accommodate these within the framework of this by-law.

8. Hours of admission for public

- (1) Every cemetery is open to the public during the following hours: 8:00 and 17:00, however, if it is in the interest of the public, the Municipality may close to the public a cemetery, crematorium, or part thereof for such periods as the Municipality deem necessary.
- (2) No person, excluding workers or persons with permission may be in or remain in a cemetery, crematorium, or part thereof before or after the hours mentioned in subsection (1) or during a period when it is closed to the public.
- (3) The Municipality must display the hours that every place of interment is open to the public on a notice board that must be placed at each entrance to the place of interment.
- (4) A person who contravenes subsection (2) commits an offence.

9. Children

- (1) No child under 12 years of age may enter a cemetery or crematorium unless he or she is under the care of a responsible person.
- (2) A person who allows a child to enter a cemetery or crematorium in contravention of subsection (1), commits an offence.

10. Keeping to path

Except for purposes permitted by this by-law, a person may only use a path provided in the cemetery, and failure to do so constitutes an offence.

11. Prohibited conduct within cemetery and crematorium

- (1) No person may in a cemetery or crematorium—
 - (a) cause a nuisance;
 - (b) ride an animal or cycle;
 - (c) allow an animal to wander;
 - (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
 - (e) hold or take part in a demonstration;
 - (f) interrupt during the performance of his or her duties an official, workman or labourer employed by the Municipality;
 - (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled under this by-law to make;
 - (h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection;
 - (i) use water for any form of gardening without the permission of the caretaker;
 - (j) plant trees, flowers or shrubs on or between graves;
 - (k) leave any rubbish, soil, stone, debris or litter;
 - (l) in any way damage or deface any part of a cemetery or crematorium or anything therein;
 - (m) enter or leave except by an entrance provide for the purpose;
 - (n) solicit any business, order or exhibit or distribute or leave a tract, business card or advertisement;
 - (o) treat a grave or memorial work with disrespect, such as, climbing or sitting on a grave or memorial work;
 - (p) enter an office building or fenced place, except in connection with lawful business;
 - (q) with the exception of a blind person, bring an animal;
 - (r) expose a corpse or a part thereof;
 - (s) erect any shelter;
 - (t) interrupt a funeral;
 - (u) bring in any alcohol or consume any alcohol;
 - (v) exceed the prescribed speed limit of 20km per hour;
 - (w) allow or cause any animal to enter with the exception of the caretaker living on site and who is keeping pets with the prior approval of the Municipality;
 - (x) be in possession of any weapons except in the case of a police or military funeral, and traditional weapons used during participation in a religious or cultural activity at the funeral.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

12. Right of interest in ground

- (1) No person will acquire any right to or interest in any ground or grave in a cemetery, other than those that may be obtainable under this by-law.
- (2) The Municipality may, on payment of the prescribed fee, sell to a person the use of a grave in a section of a cemetery for a period not exceeding 20 years.
- (3)
 - (a) The Municipality may set aside different areas in a cemetery for exclusive use by different religious or cultural groups.
 - (b) The Municipality may promote the environmental advantages of cremation as an alternative to burial.
 - (c) The Municipality may if compelled to do so by environmental considerations, such as shortage of land for burial, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be cremated instead of interred.

CHAPTER 3: GENERAL PROVISIONS RELATING TO INTERMENT AND CREMATION

13. Consent required for interment and cremation

- (1) No person may inter a corpse in a cemetery or have it cremated in a crematorium without the prior written consent of the caretaker and must comply with any requirements and or conditions set by the Municipality.
- (2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the caretaker an application together with-
 - (a) the prescribed fee;
 - (b) a death certificate;
 - (c) a burial order issued in terms of the Births and Deaths Registration Act, Act 51 of 1992, and
 - (d) an Identity document.
 and the caretaker may not approve the application unless all of the above requirements are met.
- (3) An application must be submitted to the caretaker, in respect of-
 - (a) an interment where the Municipality is responsible for the digging of the grave, not later than 12:00 pm, two days before the intended interment or, where the grave exceeds the standard size, not later than 12:00 pm, two days before the intended interment with the exception of the requirements of certain religious customs; and
 - (b) a cremation, not later than 15:00 on the day before the intended cremation.
- (4) Should any alteration be made on the day or hour previously fixed for an interment or cremation, or an interment or cremation be cancelled in the instance where the Municipality is responsible for the digging of a grave, notice of the alteration must be given to the caretaker at least six hours before the time fixed for the interment or cremation, and no refund will be made on monies paid in respect of the opening of an existing grave.
- (5) The application contemplated in subsection (2,) must be signed by the nearest surviving relative of the deceased person, however, if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, or for any other valid reason, he or she may grant an application signed by any other interested person.
- (6) Where a person –
 - (a) who at the time of his or her death was suffering from a communicable disease, this must be indicated in the application; or
 - (b) in whom was inserted radioactive material or a pacemaker, it must be indicated in the application if the said material or pacemaker was removed from the corpse.
- (7) The Municipality reserves the right to –
 - (a) inspect the contents of a coffin before interment; and
 - (b) decide which method of interment may be used.
- (8) The Municipality may refuse a person, including a funeral undertaker, to inter a corpse if documentation required by the Municipality has not been submitted.
- (9) A person who disposes of a corpse in contravention of subsection (1) or who contravenes subsection (5) or subsection (6) commits an offence.

14. Interment and cremation times

- (1) An interment and cremation may take place between 08:00 am and 16:00 on weekdays and between 8:00 am and 14:00 on Saturdays and Sundays.
- (2) Despite the provisions of subsection (1), the caretaker may permit interment or cremation outside the times contemplated in subsection (1) in which case the Municipality may levy an additional fee.
- (3) A person who interments or cremates a corpse in contravention of the provisions of subsection (1) commits an offence.

15. Register

The caretaker must keep a record of all interments and the record must contain:

- (a) the particulars of the person who requested the interment or cremation;
- (b) the particulars of the deceased person such as the name, address, and identification number;
- (c) the date of the interment or cremation; and
- (d) in the instance of an interment, the number of the grave.

16. Indigent and destitute persons

- (1) A person may apply to the Municipality for the burial or cremation of the corpse of an indigent person and must provide proof thereof. Applications must be accompanied by a sworn declaration on the income of the immediate family.
- (2) Subject to the provisions of the National Health Act, Act 61 of 2003, and section 10 of the Human Tissue Act, Act 65 of 1983, the corpse of a destitute person or an unclaimed corpse may be buried or cremated according to conditions determined by the Municipality.
- (3) Where a corpse of an indigent person is cremated, the caretaker of the crematorium must retain the ashes, and should the ashes not be claimed, bury the ashes in a grave.

17. Number of corpses in one coffin

- (1) Subject to the provisions of subsection (2), only one corpse may be contained in a coffin.
- (2) More than one corpse may be contained in one coffin if the consent of the caretaker has been obtained and the prescribed fee has been paid, in the case of-
 - (a) a mother and child who died during childbirth; or
 - (b) family members who—
 - (i) died together; or
 - (ii) died a short while after each other and the burial or cremation of the first dying member has not yet taken place.
- (3) A person who contravenes a provision of subsection (1) or who fails to obtain the consent as contemplated in subsection (2) commits an offence.

CHAPTER 4: INTERMENT**18. Burials**

- (1) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin, may not be less than 1200 mm from the natural ground level.
- (2) A person responsible for the burial must ensure that surrounding property is not damaged and must prevent graves from caving in.
- (3) Soil moulds on a grave may be removed by the Municipality one month after the burial.
- (4) On completion of a burial, it is the duty of the undertakers, or the person who dug the grave, to clear the surrounding area (pathways and graves) of soil, debris, etc.
- (5) A person who buries a coffin in contravention of the provisions of subsection (1) or who contravenes subsections (2) or (4) commits an offence.

19. Dimensions of graves and apertures

- (1) The standard dimensions of a grave are as follows:
 - (a) Adult:
 - (i) Single grave: Length: 2 200 mm; Width: 900 mm.
 - (ii) Double grave: Length: 2200 mm; Width: 2700 mm.
 - (b) Child:
 - (i) Single grave: Length: 1 500 mm; Width: 700 mm.
- (2) Any person requiring a larger hole than the dimensions set in subsection (1) must when submitting an application in terms of section 13, specify the measurements of the coffin and pay the fee prescribed by the Municipality for enlarging the hole.
- (3) A person, other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1), commits an offence.

20. Depth of grave

- (1) An adult's grave is 1 900 mm in depth and that of a child 1 500 mm in depth.
- (2) A person other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1), commits an offence.

21. Reservation of grave

- (1) A person desiring to reserve the use of a grave must submit an application to the caretaker and pay the prescribed fee.
- (2) A restriction may be placed on the reservation of graves and reservations will only be accepted for adult graves in the monumental section as stated in subsection (3).
- (3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.
- (4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivor; however, subject to the provisions of section 17 (2), the interment of the survivor may be permitted in the same grave.
- (5) Where another person other than the applicant has mistakenly used a grave, the caretaker must allocate another grave in the cemetery to the applicant.

22. Child's coffin too large

Should a child's coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the prescribed fee for an adult's interment must be paid.

23. Construction material of coffin

- (1) A coffin interred in a grave must be constructed of wood or biodegradable material.
- (2) A person who interts a coffin in contravention of subsection (1) commits an offence.

24. Number of bodies in one grave

Subject to the provisions of section 17(2), more than one corpse may be interred in a single grave.

25. Coffin to be covered with earth

The person responsible for an interment must ensure that a coffin, upon being placed in a grave is covered without delay with at least 300 mm of earth, and failure to do so constitutes an offence.

26. Religious ceremony

The members of a religious denomination may conduct during the interment and at the grave, a religious ceremony in connection with an interment or memorial service.

27. Hearse and vehicle at cemetery

- (1) No hearse or other vehicle may enter a cemetery without the prior permission of the caretaker having been obtained.
- (2) No hearse or other vehicle enters a cemetery other than by the routes set aside for that purpose.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

28. Instruction of caretaker

A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker, and failure to do so constitutes an offence.

29. Interment attended by more than fifty people

Where it is probable that more than 50 people will be present at an interment, the Municipality may require that the caretaker be notified.

30. Occupation of chapel or shelter

- (1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 45 minutes.
- (2) A person who contravenes subsection (1) commits an offence.

31. Number on grave

- (1) No person may inter a corpse in a grave on which a peg marked with the number of the grave has not been fixed.
- (2) A person who contravenes subsection (1) commits an offence.

CHAPTER 5: EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE**32. Disturbance of mortal remains**

- (1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act (Act 53 of 1959), and the provisions of any other Act relating to the exhumation of corpses –
 - (a) no corpse or mortal remains or ground surrounding it in a cemetery may be disturbed;
 - (b) no grave may be re-opened; and
 - (c) no corpse may be removed from a grave,

without the written consent of the Municipality.

- (2) Any person requesting for a corpse to be exhumed or a grave to be opened must provide the Municipality with an affidavit certifying that he or she has the authority to do so, and such an affidavit must be accompanied by any supporting documentation that may be required in terms of any Act relating to the exhumation of corpses.
- (3) The prescribed fee for exhumation must be paid to the Municipality at least two days before the date fixed for the exhumation or removal of the corpse.
- (4) The Municipality must notify the Eden District Municipality's Environmental Health Department on every exhumation or grave opening.
- (5) Eden District Municipality's Environmental Health Department must be present at every exhumation or a grave opening as per subsection (2).
- (6) A person who contravenes subsections (1) commits an offence.

33. Time of exhumation

- (1) No person may exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.
- (2) A person who contravenes subsection (1) commits an offence.

34. Re-opening of grave

- (1) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless—
 - (a) the grave was initially made deeper for this purpose;
 - (b) if not made deeper, then only after 10 years have passed since the interment of the first corpse;
 - (c) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm;
 - (d) the consent contemplated in section 32 (1) has been obtained; and
 - (e) the fee prescribed by the Municipality has been paid.
- (2) A person who contravenes a provision of subsection (1) (a) to (e) commits an offence.
- (3) In the event of a police investigation, a corpse may be exhumed on receipt of a written request from the investigating officer, provided that the provisions of the Inquest Act, (Act 58 of 1959) have been complied with.
- (4) The Municipality has the right to re-open a grave for the purpose of establishing, by reading the inscription on the coffin, the identity of the corpse.
- (5) The provisions of section 32 (4) and (5) above also apply in this section.

CHAPTER 6: CARE OF GRAVES**35. Shrubs and flowers**

The Municipality may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

36. Care of grave

- (1) The maintenance of a grave is the responsibility of the person contemplated in section 12(2).
- (2) The Municipality may, on application by a person contemplated in subsection 12(2) and upon payment of the fee prescribed to the Municipality, undertake to keep any grave in order for any period.
- (3) The Municipality may at its discretion undertake to keep, at its own expense, any grave in order for any period.

CHAPTER 7: CREMATION**37. Receptacles and ashes**

- (1) Unless the ashes are to be buried by the Municipality, the person contemplated in section 13(2) must provide a receptacle, on which the full name of the deceased person is indicated.
- (2) The ashes must, after the cremation, be collected by the person contemplated in section 13(2), and should he or she fail to collect the ashes, the ashes will be dealt with in terms of section 38 (1).
- (3) Where a receptacle is intended to be placed in a niche in the columbarium—
 - (a) it must-
 - (i) be made of wood or stone; and
 - (ii) be of a size and design as to fit into the niche; and
 - (b) if the niche is not meant to be sealed, have affixed to it a plate on which the full name of the deceased person is inscribed.

38. Burial and exhumation of ashes

- (1) In the absence of an arrangement between the caretaker and the person contemplated in section 37 regarding the ashes, the caretaker may bury or scatter the ashes in a garden of remembrance, where such facility is available.
- (2) A person may deposit ashes in a—
 - (a) grave; or
 - (b) niche in a—
 - (i) columbarium;
 - (ii) wall of remembrance; or
 - (iii) memorial work.
- (3) A person must obtain the consent of the caretaker if he or she wishes to—
 - (a) bury ashes in a grave;
 - (b) exhume ashes from a grave; or
 - (c) scatter ashes,
 and the caretaker must, on receiving payment of the prescribed fee—
 - (i) give written consent to the applicant to bury, exhume or scatter the ashes; and
 - (ii) in the instance of burial or exhumation, prepare the grave for burial or exhumation.
- (4) A grave for the burial of ashes or a niche in a columbarium must measure 610 mm in length, 610 mm in width, and 610 mm in depth.

39. Cremation certificate

- (1) On completion of a cremation, the caretaker must supply a cremation certificate to the person contemplated in section 38(1).
- (2) The caretaker must on application and after receipt of the prescribed fee, issue a duplicate cremation certificate to a person.

CHAPTER 8: ERECTION AND MAINTENANCE OF MEMORIAL WORK**40. Consent of Municipality**

- (1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Municipality.
- (2) When erecting memorial work, the Municipality may require the submission of the following:
 - (a) a plan which gives an indication of the measurements and the position;
 - (b) specification of the material of which the material work is to be constructed; and
 - (c) the wording of the epitaph.
- (3) The plan must be submitted 30 days before the erection commences and must be accompanied by the prescribed fee, and the Municipality may impose conditions.
- (4) No person may bring any material for the construction of memorial work into a cemetery unless the provisions of subsection (1) to (3) have been complied with and unless all charges due in respect such grave have been paid.
- (5) The Municipality's consent of the proposed work is valid for six months only, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.
- (6) The grave number must be indicated, in a workmanlike manner, in figures 30 mm in size, and failure to do so constitute an offence.
- (7) A person who contravenes a provision of subsection (1) or (4) commits an offence.

41. Requirements for erection of memorial work

- (1) A person erecting a memorial work must comply with the following:
 - (a) he or she must be in possession of a plan approved by the Municipality;
 - (b) conditions imposed in terms of section 40(3) must be complied with;
 - (c) no damage may be caused to any structure and no offence may be given;
 - (d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900 mm in length, 250 mm in width, and 250 mm in height for a single grave, and not more than 2 700 mm in length, 250 mm in width, and 250 mm in height for a double grave;
 - (e) with the contractor's permission, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
 - (f) tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.
- (2) A person who does not comply with a provision in subsection (1) commits an offence.

42. Position, movement and removal of memorial work

- (1) No person may erect a memorial work on a grave before the position has been indicated by the Municipality.
- (2) Should the provisions of subsection (1) not be complied with the Municipality has the right to alter the position of the memorial work and recover the costs from the person who erected the memorial work.
- (3) Where a memorial work has originally been placed in a certain position with the express consent of the Municipality or its employee, any alteration of the position in terms of the provisions of this section is executed at the expense of the Municipality.
- (4) Memorial work in conflict with the provisions of this by-law may be removed after due notice by the Municipality at the cost of the person who erected the memorial work, and without payment of any compensation.

43. Repairs to memorial work

- (1) If the person who erected a memorial work allows it to fall into such a state of disrepair that it may cause danger or deface the cemetery, the Municipality may serve a Notice of Compliance, as contemplated in section 66, on such person.
- (2) If the person contemplated in subsection (1) fails to comply with the notice of compliance, the Municipality may demolish or remove the memorial work and recover the cost for demolition or removal from the person served with the notice of compliance.
- (3) If the person contemplated in subsection (1) cannot be traced, the Municipality may demolish or remove the memorial work.

44. Supervision of work

A person engaged in work in a cemetery is under the supervision of the caretaker and failure to follow his or her instructions constitutes an offence.

45. Damaging of memorial work

Unless due to the negligence of its employees, the Municipality is not responsible for any damage to a memorial work.

46. Conveying of memorial work

- (1) No person may convey any stone, brick or memorial work in a cemetery upon a vehicle or truck, which may cause damage to the paths or grounds or structures of the cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

47. Vehicle and tools

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances do not block any road and failure to do so constitute an offence.

48. Complying with Municipality's directions

A person carrying on work within a cemetery must in all respects comply with the directions of the Municipality and failure to do so constitute an offence.

49. Times for bringing in material and doing work

- (1) No person may bring material into or do any work other than the dismantling of memorial work for burial purposes, within a cemetery except during the following hours: Mondays to Fridays between the hours of 7:00 and 18:00.
- (2) No person may engage in work, which may be disturbing when a funeral takes place, and for the duration of the funeral.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

50. Inclement weather

- (1) No person may fix or place any memorial work while the soil is declared by the caretaker to be in an unstable condition.
- (2) A person who contravenes subsection (1) commits an offence.

51. Production of written permission

A person engaged in work or on his or her way to or from work within the cemetery must upon demand from the Municipality or its authorized official, produce the written consent issued in terms of section 40 and failure to do so constitute an offence.

52. Memorial work in crematorium

- (1) Unless a corpse was cremated in the crematorium, or a cremation certificate issued by another crematorium is submitted, no person may, without the consent of the caretaker first having been obtained, erect a memorial work in a crematorium.
- (2) A memorial work-
 - (a) if erected in a garden of remembrance-
 - (i) must be made of marble or granite; and
 - (ii) may not exceed a size of 250 mm in width, 305 mm in length, and 25 mm in thickness;
 - (b) if intended to seal a niche, must conform in size and material to the memorial work next to it and may have a photograph of the deceased person affixed to it; or
 - (c) erected on a grave, may not exceed 1, 2 m in height, 610 mm in length, and 610 mm in width.
- (3) A person who erects a memorial work in contravention of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

CHAPTER 9: SECTIONS IN CEMETERY**53. Municipality may establish sections**

- (1) The Municipality may establish one or more of the following sections in a cemetery:
 - (a) monumental section;
 - (b) garden of remembrance;
 - (c) heroes acre;
 - (d) aesthetic section;
 - (e) panoramic section; or
 - (f) open section.

54. Monumental section

- (1) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 41 must be complied with and that the following measurements may not be exceeded:
 - (a) Height: 2 000 mm.
 - (b) Width: 900 mm in case of a single grave and 700 mm in case of a double grave.
 - (c) Thickness: 250 mm.
- (2) The Municipality may in the course of time level all graves and plant grass thereon.
- (3) Flowers, foliage, wreaths or any adornment may only be placed upon the berm of graves.
- (4) A person commits an offence if he or she-
 - (a) exceeds the measurements stipulated in subsection (1); or
 - (b) contravenes subsection (3).

55. Garden of Remembrance

- (1) This section contains the Wall of Remembrance with niches and a garden area in which plaques can be erected.
- (2) A container intended to be placed in a niche may not exceed 300 mm x 150 mm x 150 mm in size.
- (3) Flowers and wreaths may only be placed in the places provided therefore.
- (4) A person who contravenes a provision of subsection (2) or (3) commits an offence.

56. Heroes Acre

- (1) A heroes' acre consists of a structure erected for the purpose and contains no corpse but is a memorial only.
- (2) No person may erect such structure without the written approval of the Municipality.
- (3) The size of the structure must be 500 mm X 350 mm and must be manufactured from a non-corrodible metal or masonry.
- (4) A person who interrs a corpse in contravention of subsection (1) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

57. Aesthetic section

- (1) Only a headstone may be erected, and a slab may not be erected on, and a kerb may not be erected around a grave.
- (2) The dimensions of a headstone are as follows:
 - (a) Adult's grave:
 - (i) Single grave: 900 mm in length by 260 mm in width.
 - (ii) Double grave: 2 200 mm in length by 260 mm in width.
 - (b) Child's grave:
 - (i) Single grave: 610 mm in length by 260 mm in width.
 - (ii) Double grave: 1 200 mm in length by 260 mm in width.
- (3) No headstone may exceed a height of 1 500 mm above the berm.
- (4) A person who contravenes a provision of this section commits an offence.

58. Panoramic section

- (1) Only a plaque may be embedded, and it must be-
 - (a) made of marble, granite or stainless steel;
 - (b) 500 mm in length, 500 in width, and 30 mm thick;
 - (c) Embedded -
 - (i) 30 mm below the level of the grass;
 - (ii) horizontally on ground level; and
 - (iii) on a concrete foundation.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

59. Open section

This section allows for the purchase of the grave only, and at a later stage, applicants may request permission to erect memorial work on payment of the prescribed fee.

CHAPTER 10: PRIVATE CEMETERIES**60. By-laws apply**

The provisions of this by-law apply mutatis mutandis to private cemeteries.

61. Establishment and continued use of cemeteries

- (1) No person may, without the prior consent of the Municipality, establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the Municipality, continue to use the existing cemetery for burial purposes.
- (2) A person who wishes to apply for the Municipality's consent to establish a cemetery or use as cemetery as contemplated in subsection (1), must submit a written application to the Municipal Manager together with-
 - (a) a locality plan to a scale of not less than 1: 10000, which shows-
 - (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated;
 - (ii) the registered description of the site;
 - (iii) all streets, public places and privately-owned property within a distance of 100 metres of the site;
 - (b) a "block" plan to a scale of not less than 1 :500 showing the position of external boundaries, internal roads and paths, subdivisions, grave sites, drainage and any buildings existing or proposed to be erected;
 - (c) a plan and sections to a scale of not less than 1: 100 of any building existing or proposed to be erected, and which must in this case conform with the National Building Regulations and the Water Services and Sanitation By-law of the Municipality;
 - (d) a list of registers or records kept or proposed to be kept with reference to—
 - (i) identification of graves;
 - (ii) sale or transfer of grave sites; and
 - (iii) interments;
 - (e) the full name and address of the proprietor;
 - (f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery and whether such land is subject to any mortgage or trust; and
 - (g) a schedule of the burial fees proposed to be charged or actually in force.
- (3) On receipt of an application, the Municipal Manager must publish a notice in one or more newspapers circulating in its area stating the nature of the application and specifying a date, being not less than 14 days after the date of publication of the notice, by which objections to the granting of an application may be lodged with the Municipality.

- (4) The Municipality may, upon receipt of the payment by the applicant of the prescribed fee and if satisfied after consideration of the application and any objections which may have been lodged that no interference with any public amenity, nuisance or danger to the public health is likely to take place or arise, in writing grant consent for the establishment of the private cemetery or the continued use of the private cemetery.
- (5) No departure from the plans as approved are permitted without the written prior approval of the Municipality.
- (6) A person who contravenes a provision of subsection (1) or (5) commits an offence.

62. Duties of Proprietors

- (1) The proprietor of a private cemetery for which the consent of the Municipality has been obtained must –
 - (a) comply with any conditions imposed by the Municipality;
 - (b) keep a record which shows –
 - (i) the number of each grave site and the ownership of the site; and
 - (ii) the number of interments in each grave site and the name, age, gender, last known address, date and cause of death of the deceased;
 - (d) maintain the grounds, fences, gates, roads, paths and drains in good condition and clear of weeds and overgrowth;
 - (e) provide for the identification of grave sites by subdividing the cemetery into blocks and –
 - (i) each block must be demarcated by means of signs showing the number and situation of each block;
 - (ii) the graves or grave sites in each block must be separately numbered by means of durable number plates; and
 - (iii) all signs and number plates must be maintained in a neat and legible condition.
 - (f) allow an official to enter or inspect the cemetery and all records kept in connection therewith;
 - (g) render a monthly return to the Municipal Manager on or before the 7th day in each month of all burials which sets out the –
 - (i) name, last known address, age, sex, date and cause of death of each deceased person interred in the cemetery;
 - (ii) name of the medical practitioner who issued the death certificate;
 - (iii) authority who issued the burial order;
 - (iv) block and grave site number;
 - (v) date of burial; and
 - (vi) particulars of a change in the identity of the caretaker or of a person newly appointment.
 - (h) render an annual return to the Municipal Manager on or before the 31st day of June each year, which contains a detailed list of the names and addresses of all trustees, committee members or persons controlling the place of interment; and
 - (i) appoint a caretaker to manage the cemetery and to keep the records.
- (2) The owner of a private cemetery or private property may refuse permission to have a corpse interred in the cemetery.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 11: MISCELLANEOUS

63. Use of disused cemeteries

- (1) Notwithstanding any provision in this by-law and subject to the provisions of subsection (4), the Municipality may use any cemetery or portion thereof, which has been closed or disused for a period of not less than 20 years, and of which the Municipality is the cemetery authority, for such purpose as will not desecrate the ground, any human remains or any memorials in such cemetery.
- (2) The Municipality may, subject to the provisions of subsection (4), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage.
- (3) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsection (2) shall thereupon cease.
- (4) Before acting in terms of subsections (1) and (2) the Municipality must give notice of its intention to do so in terms of its public participation policy.

64. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication by the Municipality must be sufficiently signed.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certificate mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate.
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

65. Complaint

A person wishing to lodge a complaint must lodge it in writing with the Municipal Manager.

66. Notice of compliance and representations

- (1) A notice of compliance served in terms of section 43 must state—
 - (a) the name and residential and postal address, if either or both of these be known of the person;
 - (b) the nature of the state of disrepair;
 - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
 - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
 - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
 - (f) that written representations as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) above, be made to the Municipality at a specified place.
- (2) The Municipality, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to—
 - (a) the principles and objectives of this by-law;
 - (b) the state of disrepair;
 - (c) any measures proposed by the person on whom measures are to be imposed; and
 - (d) any other relevant factors.
- (3) A person may within the time period contemplated in paragraph (1) (f), make representations, in the form of a sworn statement or affirmation to the Municipality at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Municipality condones the late lodging of the representations.
- (5) The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.
- (6) The Municipality must, after consideration of the representations and any responses received, make an order in writing and serve a copy of it on the person.
- (7) The order must -
 - (a) set out the findings of Municipality;
 - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
 - (c) specify a period within which the person must comply with the order made by Municipality.
- (8) If the notice of compliance is confirmed, in whole or in part or is altered but not set aside, the Municipality will inform the person that he or she –
 - (a) must discharge the obligations set out in the notice; or
 - (b) may elect to be tried in court.
- (9) If the person elects to be tried in court he or she must within seven calendar days, notify the Municipality of his or her intention to be so tried.
- (10) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.
- (11) Where there has been no compliance with the requirements of a notice, the Municipality may take any steps necessary to repair the monumental work and the cost thereof must be paid to the Municipality in accordance with section 67.

67. Costs

Should a person fail to take the measures required of him or her by notice, the Municipality may recover all costs incurred as a result of it acting in terms of section 66 (11) from the person.

68. Appeal

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

69. Charges

Should a person fail to pay a prescribed fee, the Municipality may act in accordance with the provisions of its Customer Care and Revenue Management by-law.

70. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

71. Limitation of liability

The Municipality is not liable for any damage or loss caused by the exercise or failure to exercise any power or the performance of any duty in good faith under this by-law.

72. Exemptions

- (1) Any person may by means of a written application in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may grant or refuse an application for exemption or impose conditions and it may alter or cancel any exemption or condition in an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

73. Liaison forums in community

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of -
 - (a) creating conditions for a local community to participate in the affairs of the Municipality;
 - (b) encouraging a local community to participate in the affairs of the Municipality; and
 - (c) promoting the achievement of a healthy environment.
- (2) A liaison forum may consist of -
 - (a) a member or members of an interest group, or an affected person;
 - (b) a member or members of a community in whose immediate area a cemetery or crematorium exists;
 - (c) a designated official or officials of the Municipality; and
 - (d) the councillor responsible for cemeteries.
- (3)
 - (a) The Municipality may, when considering an application for consent, permit or exemption certificate in terms of this by-law, where applicable, request the input of a liaison forum.
 - (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative, submit an input to the Municipality for consideration.

74. Indemnity

- (1) The Municipality shall not be responsible for any damage, loss or injury sustained by any person making use of its facilities in terms of this by-law at any time caused as a result of any negligent act or omission by any person making use of its facilities in terms of this by-law.
- (2) The Municipality must display this indemnity clause at every place of interment open to the public on a notice board that must be placed at each entrance to the place of interment.

75. Revocation of by-laws

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

76. Short title and commencement

This by-law may be cited as the Knysna Funeral Parlours, Cemeteries and Crematoria by-law and commences on the date of publication thereof in the Provincial Gazette.

KNYSNA MUNICIPALITY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, (Act 108 of 1996), the By-Law Relating to the Keeping of Dogs, which shall come into operation on the date of publication thereof.

BY-LAW RELATING TO THE KEEPING OF DOGS

Purpose of By-Law

The purpose of this by-law is to provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impounding of stray dogs and the prevention of nuisances through the keeping of dogs.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of any inconsistency between the different texts and unless the content otherwise indicates:

“**dangerous dogs**” means any dog that according to the records of the Knysna Municipality:

- (a) has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- (b) has severely injured or killed a domestic animal while off the owner's property; or
- (c) has when unprovoked, chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in sworn statement by one or more persons;

“**keep**” in relation to a dog, includes to have such a dog in possession, under control or in custody or to harbour such dog;

“**Municipality**” means the Municipality of Knysna established in terms of section 12 of the Municipal Structures Act, Act 117 of 1998, and includes any duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent or employee;

“**nuisance**” means any conduct or condition which brings about or may bring about a state of affairs or conditions that is obnoxious and or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;

“**owner**” in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control over a dog on any premises within the area of jurisdiction of the Municipality;

“**premises**” means any piece of land registered in a deeds registry as an erf, plot, or stand as part of a township or subdivision, or a stand or lot forming part of a piece of land laid out as a township or subdivision, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

“**proper enclosure**” means a fenced and locked enclosure, suitable to prevent the entry of young children between the ages of 0-7 years, and to prevent the animal from escaping. Such enclosure shall be designed and constructed to prevent the dangerous dog from escaping over, under, or through the structure and shall provide adequate space for the dangerous dog to move around freely and afford protection from the elements;

“**public place**” means any beach, square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General's records or utilised by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the Municipality or any other competent authority;

“**public road**” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge or drift traversed by any such road, street or thoroughfare;
- (d) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

“**vicious**” for the purpose of this by-law includes a dog, which has bitten or attempted to bite a person or animal other than in defence of itself or its custodian.

Application of by-law

- 2. The provisions of section 4 and 9 of this by-law shall not apply to premises, which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of this by-law or any other legislation, which may be applicable to such premises.
- 3. The provision of section 14 shall not apply to a guide dog, which is *bona fide* utilised to accompany a blind person.

Number of dogs

4. (1) Subject to the provisions of section 5, no person shall keep more than the prescribed number of dogs on any premises without the prior written consent of the Municipality. A person, who, at the date of promulgation of this by-law keeps more than the prescribed number of dogs, may continue to do so for as long as the dogs may live.
- (2) No person may keep more than –
 - (a) one dog or allow more than one dog, over the age of two months, to be kept in or at a dwelling; i.e flat/duplex with an erf size of 500 square metres or less;
 - (b) two dogs, or allow more than two dogs, over the age of two months, to be kept in or at a dwelling house; i.e an erf more than 500 square metres, allowing the dog reasonable access to the property for movements.
5. No person is allowed to be a breeder without a license.
A licensed breeder of dogs who wishes to keep a greater number of dogs on premises, than the number permits in section 4, must obtain prior written consent from the Municipality.
6. An application for the Municipality's consent in terms of section 4 shall not be considered by the Municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is adequate for the safety and health of the animals and the ordinary comfort, convenience, peace or quiet of the neighbours.
7. The Municipality's consent in terms of section 4 to keep more than the prescribed number of dogs on premises shall be granted subject to such conditions and restrictions as the Municipality may deem fit to impose.

Control of dogs

8. No person shall -
 - (a) urge any dog to attack, worry or frighten any person or animal, except where reasonably necessary for the defence of such first-mentioned person or his property or the property of any other person;
 - (b) keep any dog which-
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry or persons outside any premises where it is kept, or
 - (iii) by behaving in any other manner-
 interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or
 - (c) permit any dog owned or kept by such person-
 - (i) to be in any public road or public place except on a leash and under control of some responsible person, unless in a free running area specifically designated for that purpose by the Municipality;
 - (ii) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - (iii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person;
 - (iv) to trespass on private property;
 - (v) to constitute a hazard to traffic using any public road.

Fencing of property

9. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced.

Dogs shall not be a source of danger

10. Any person who keeps a dog on any premises shall keep such dog in such manner as not to be a source of danger to employees of the Municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

Classification of dogs as dangerous

11. (a) Dogs shall be classified as dangerous according to the definition of "dangerous dogs" in section 1 of the definition clause above.
- (b) A dog shall not be declared dangerous, if the threat, injury, or damage was sustained by a person, who, at the time was unlawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
- (c) No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Restrictions applicable to dangerous dogs

12. (a) A dangerous dog may not be permitted to be kept unless it is under proper control and supervision if it –
 - (i) is wild or vicious; or
 - (ii) has acquired the habit of charging passing vehicles, bicycles or persons.
- (b) The owner shall immediately notify the Municipality when a dog that has been classified as dangerous:
 - (i) is loose or unconfined;
 - (ii) has bitten a human being or attacked another animal;

- (iii) is sold, given away or dies;
- (iv) is moved to another address.
- (c) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Municipality.
- (d) Should the new owner reside within the jurisdictional area of the Municipality, he or she must comply with all the requirements of this by-law.
- (e) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and under the control of a competent person i.e. a person over the age of 18 years.
- (f) When being transported, such dog must be safely and securely restrained within a vehicle.
- (g) This by-law does not apply to dogs used by law enforcement officials carrying out official duties.
- (h) Any person, who fails to comply with any part of this section, shall be guilty of an offence.

Removal of offensive matter

13. If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

Dogs on premises where food is sold

14. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or at such shop or place.

Seizure, impounding and destruction of dogs

15. The Municipality or an authorised official, may seize and impound at a place designated by it, any dog –
- (a) that is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the council as a free running area;
 - (b) that is at large and apparently without its owner; or
 - (c) that is in a public place, not under the control of any person and appears to suffer from mange or any other contagious disease;
 - (d) that is ferocious, vicious or dangerous in any public road or public place without a leash or under proper control and which poses a danger to the public; or
 - (e) is being kept in contravention of the provisions of this by-law.
16. A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, which the Municipality may have incurred in respect of such dog.

Liability

17. The Municipality shall not be liable for any injury suffered, disease contracted by, or damage caused to any dog as a result or during its seizure, impoundment, detention or destruction in terms of this by-law.

Penalty clause

18. Any person who contravenes or fails to comply with any provisions of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding-
- (a) a fine of one thousand rand or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine of fifty Rands or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses by the court to have been incurred by the Municipality as result of such contravention or failure.

Repeal of by-laws

19. The provisions of any by-law previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the Knysna Municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

**KNYSNA MUNICIPALITY
RULES OF ORDER FOR INTERNAL ARRANGEMENTS BY-LAW**

To provide for rules of order for the internal arrangements and the business and proceedings of the Council of the Municipality and to provide for matters in connection therewith.

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CHAPTER 1: INTRODUCTION

1. Definitions

In this by-law, including the Rules, unless the context indicates otherwise —

“**Code**” means the Code of Conduct for Councillors set out in Schedule 1 to the Systems Act;

“**Committee**” means a committee established by the Council in terms of section 79 of the Structures Act;

“**Council**” means the Municipal Council of the municipality;

“**Councillor**” means a member of the Council, including a political office bearer as referred to in section 1 of the Systems Act;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Meeting**” means any meeting of the Council and its committees;

“**Member**” means a member of a committee;

“**Member of the public**” means a person who is not a councillor or an employee of a municipality and who attends a meeting of the Council or a committee;

“**Municipality**” means the Municipality of Knysna;

“**Municipal Manager**” means the person appointed as Municipal Manager by the Council in terms of section 54A of the Systems Act, or a person delegated by the Municipal Manager;

“**Provincial Minister**” means the Provincial Minister responsible for Local Government in the Province;

“**Rules**” means the rules provided for in this by-law;

“**Speaker**” means the Speaker of the Council elected under section 36 of the Structures Act or a councillor elected as acting Speaker under section 41 of the Structures Act;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**Working day**” means any day of the week except Saturday or Sunday or a public holiday.

2. Application of rules

- (1) These rules apply to all meetings.
- (2) Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings, also applies to a member of the public who takes part in those proceedings.
- (3) These rules apply to all meetings of committees except to committees established, in terms of item 14(1) (b) of the Code and section 62 of the Municipal Systems Act. Unless clearly inappropriate, any reference in these rules to the Council is regarded as a reference to the committee, and any reference to the Speaker is regarded as a reference to the chairperson of the committee or a person acting as the chairperson of the committee.
- (4) In this by-law words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates.
- (5) The Speaker, councillors and members of the public must familiarise themselves with these rules.

CHAPTER 2: MEETINGS

3. Order of business

- (1) The order of business in ordinary council meetings is as follows, unless the order has been changed in terms of sub rule (2)-
 - (a) election of acting Speaker, if necessary;
 - (b) application for leave of absence;
 - (c) confirmation of minutes;
 - (d) statements and communications by the Speaker;
 - (e) statements and communications by Executive Mayor or Executive Committee;
 - (f) consideration of reports;
 - (g) report on delegated powers;
 - (h) urgent matters submitted by the Municipal Manager;
 - (i) consideration of motions;
 - (j) consideration of questions;
 - (k) consideration of motions of exigency; and
 - (l) adjournment.
- (2) The Speaker may change the order of business appearing on the agenda.
- (3) A councillor who wishes to have the order of business on the agenda changed must approach the Speaker prior to the meeting.

4. Agenda

- (1) The Speaker or a person designated by the Speaker must prepare the agenda for a meeting.
- (2) The Speaker may at any time during a meeting introduce an urgent matter, which does not appear on the agenda, unless the Council resolves otherwise.
- (3) Except as otherwise provided for in these rules or in terms of sub rule (2), no matter not appearing on the agenda may be transacted at a meeting.

5. Meetings

- (1) The Council must meet at least quarterly, as required by section 18(2) of the Municipal Structures Act.
- (2) All meetings must be open to members of the public, unless they have been excluded under rule 16.
- (3) Subject to sub rule (1), the Speaker decides when and where the Council meets.
- (4) The Municipal Manager or, in his or her absence, a person designated by the Speaker must give notice to each councillor and to the public of every meeting at least 5 days before such meeting except in the event of special or urgent meetings of Council.
- (5) If the position of Speaker (or Acting Speaker) is vacant, the Municipal Manager (or Acting Municipal Manager) or in the absence of the Municipal Manager (or Acting Municipal Manager), a person designated by the Provincial Minister, must –
 - (a) convene a special meeting to elect a Speaker or an acting Speaker; and
 - (b) give notice to each councillor and to the public of the meeting.
- (6)
 - (a) A majority of councillors may request the Speaker in writing to convene a special council meeting and the Speaker must convene such meeting at a time set out in the request.
 - (b) If the Speaker fails to convene a special council meeting referred to in sub rule (6)(a), the majority of councillors may request the Municipal Manager to convene such meeting and the Municipal Manager must convene such meeting at a time set out in the request.
 - (c) A notice by the majority of councillors must clearly indicate the business that will be conducted at the special council meeting. No other business, except with the agreement of a majority of councillors, may be conducted at the special council meeting.
- (7)
 - (1) The notice referred to in sub rules (4) and (5) must state the date, time and venue of the meeting, and must be –
 - (a) given in writing, together with the agenda, to each councillor by any reasonable means to achieve the purpose;
 - (b) published in a local newspaper determined by the Municipal Manager or a person designated; and
 - (c) posted on a notice board at the municipality's head office.
 - (d) posted on the municipal website.
 - (2) Any changes to the dates of any meeting, shall be published on the municipal website.
- (8) The Municipal Manager or a person designated under sub rule (4) or (5) may depart from the requirement of sub rule (6) (b), in the case of an urgent or special meeting when time constraints make it impossible to comply with the requirement.

6. Functions of Speaker regarding meetings

- (1) The Speaker must take the chair precisely at the time the meeting has been scheduled for.
- (2) In addition to the functions referred to in section 37 of the Municipal Structures Act and any other law, the Speaker –
 - (a) must preserve decorum in meetings;
 - (b) must give a ruling in respect of a point of order raised by a councillor, including a point in relation to the priority of the business; and
 - (c) may give a ruling in respect of any procedural eventuality for which these rules do not provide.
- (3) The ruling referred to in sub rule (2) must be entered into the minutes.

7. Attendance by councillors

Subject to Item 3 of the Code, rule 8 and rule 18 of these rules, a councillor must attend each meeting and must sign his or her name in the attendance register.

8. Procedure for leave of absence

- (1) A councillor must, before absenting himself or herself from a meeting, inform the Speaker by means of email, sms or other electronic communication at least 48 hours before the meeting.
- (2) The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with sub rule (1).
- (3) The special circumstances referred to in sub rule (2) may include –
 - (a) illness of the councillor; or
 - (b) illness or death in the family of the councillor; or
 - (c) family related or ward emergencies.
- (4) Should any special circumstance listed in sub rule (3) arise, a councillor may on good cause shown, inform his/her respective party chief whip of his/her absenteeism.
- (5) The names of all councillors present at a meeting and of all councillors to whom leave of absence from the meeting has been granted, must be entered into the minutes.
- (6) If the Speaker rejects the application referred to in sub rule (1), he or she must provide a reason therefore and such reasons must be recorded into the minutes.
- (7) Sub rules (1) to (6), apply, with the necessary changes, in respect of the Speaker, and in such application, a reference in those sub rules to the Speaker is regarded to be a reference to the Council.

9. Sanctions for non-attendance

- (1) Except for the instances contemplated in rule 8(2) and (3), a councillor is in breach of the rules if he or she without leave –
 - (a) absents himself or herself from a meeting;
 - (b) fails to be in attendance at the commencement of a meeting; or
 - (c) fails to remain in attendance until the end of a meeting.
- (2) A councillor who is absent from three or more consecutive meetings which he or she is required to attend in terms of rule 8 is in breach of the Code.
- (3) The Council may appoint a special committee comprising of councillors to investigate and report to the Council on any alleged breach referred to in sub rule (1) or (2).
- (4) The special committee must notify the councillor in writing of his or her alleged breach of the rules or the Code. The councillor must be given seven days from date of the written notice to respond in writing regarding the alleged breach.
- (5) The Council must decide whether the rules or the Code has been breached or not, after receiving a report from the special committee.
- (6) If the Council finds that a councillor has breached the rules as contemplated in sub rule (1), the Council must fine the councillor 10% of his or her monthly salary.

- (7) If the Council finds that a councillor has breached the Code as contemplated in sub rule (2), the Council must request the Provincial Minister to remove the councillor from office.
- (8) Sub rules (1) to (7) apply, with the necessary changes, in respect of the Speaker.

10. Minutes

- (1) The Municipal Manager must –
 - (a) compile the minutes of the proceedings of a meeting in writing within two weeks of the meeting; and
 - (b) provide each councillor with a copy of the minutes within a reasonable period, such reasonable period to be determined by Council.
- (2) The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.
- (3) The Municipal Manager must keep a record of the signed minutes for a period of five years.
- (4) The minutes are taken as read, for the purpose of sub rule (2), if they were provided to each councillor within a reasonable period before the meeting considering them.
- (5) No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.
- (6) If a councillor is dissatisfied with the correctness of the minutes, the councillor must –
 - (a) state the item with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (7) The minutes of a meeting must set out the date, time and place of the meeting and the decisions or other action taken at the meeting.

11. Quorum

- (1) A majority of the councillors constitutes a quorum as referred to in section 30 (1) of the Municipal Structures Act.
- (2) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if at the end of that period, there is no quorum, the Speaker must adjourn the meeting to another time, date and venue at his or her discretion and record the names of those members present.
- (3) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of that period, no meeting may take place and the Municipal Manager must record the names of the members present.
- (4) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes or such longer time the Speaker may allow, there is still no quorum the Speaker must adjourn the meeting.
- (5) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- (6) The Speaker may report the names of the absentee members to the committee appointed in terms of rule 9(3), for the purposes of an investigation of a breach of these rules.

CHAPTER 3: DECISIONS

12. Unopposed matters

Whenever Council is called upon to consider a matter before it and there is no opposition from any councillor, a unanimous vote will be recorded in the minutes.

13. Opposed matters

- (1) The Speaker must put every opposed matter to the vote by calling upon councillors to indicate by a show of hands, unless otherwise prescribed by any law or the Council resolves otherwise, whether they are for that matter or against it, whereupon the Speaker must announce the result of the vote, including those councillors who abstained from voting.
- (2) Upon the announcement of the result of a vote, a councillor may demand that his or her vote be recorded against the decision concerned.

14. Decisions

- (1) In accordance with section 160(3) of the Constitution, a supporting vote of a majority of councillors is necessary to decide on –
 - (a) the passing of by-laws;
 - (b) the approval of the budget;
 - (c) the imposition of rates and other taxes, levies and duties; or
 - (d) the raising of loans.
- (2) In accordance with section 34 of the Municipal Structures Act, a supporting vote of at least two-thirds of councillors is necessary to adopt a decision to dissolve the Council.
- (3) All other questions before the Council are decided by a majority of the votes cast, as contemplated by section 160(3) (c) of the Constitution, except the approval of the IDP that has to be adopted by a supporting vote of a majority of councillors.
- (4) If on any question there is an equality of votes, the Speaker must exercise a casting vote, as contemplated by section 30(4) of the Municipal Structures Act. In addition to those instances listed in Rule 14(1), the Speaker does not have a casting vote on the election of political office bearers as set out in Schedule 3 of the Municipal Structures Act.

CHAPTER 4: ATTENDANCE OF MEMBERS OF PUBLIC

15. Attendance of members of public

- (1) The Speaker must take reasonable steps to regulate public access to, and public conduct at meetings.
- (2) The Speaker may allocate reasonable time to any member of the public who wishes to address the Council, having regard to —
 - (a) the nature of the matter to be discussed;
 - (b) priorities in relation to other Council business;
 - (c) other members of the public present who also wish to address the Council; and
 - (d) whether such an opportunity has already been provided to the member of the public.
- (3) A member of the public who wishes to address the Council must apply in writing to the Speaker within 6 working days prior to the meeting, stating the matter on which he or she wishes to speak.

16. Exclusion of the public from meetings

- (1) The public may be excluded from the meeting-
 - (a) where so directed by the Speaker; or
 - (b) where so decided by Council upon a motion from any councillor to that effect.
- (2) If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.
- (3) If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.
- (4) The motivation for the exclusion of the public must be minuted.

17. Re-admission of members of public

- (1) A councillor may during the course of a meeting from which the public were excluded, move a motion “that the meeting again be opened” and state the reasons for the motion.
- (2) If the motion is seconded, it must be put to the vote forthwith without debate.
- (3) If the motion is carried, the Speaker must ensure that members of the public are allowed access to the meeting again.

CHAPTER 5: CONDUCT IN MEETINGS

18. Conduct of councillors and members of public

- (1) Councillors and members of the public must preserve order and decorum at meetings, and they may not —
 - (a) behave in an unseemly manner;
 - (b) obstruct the business of a meeting;
 - (c) challenge the ruling of the Speaker on any point of order; or
 - (d) commit any breach of the rules.
- (2) If a councillor or member of the public breaches sub rule (1), the Speaker must direct the councillor or member of the public to refrain from the breach.
- (3) If a councillor or member of the public disregards the directions of the Speaker under sub rule (2), the Speaker may:
 - (a) direct the councillor or member of the public if speaking, to discontinue his or her speech;
 - (b) in relation to a councillor, adjourn the meeting and request the councillor in question, together with his or her party chief whip, to address the Speaker in chambers; or
 - (c) with regard to members of the public, direct such person or persons, to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed by a person designated by the Speaker.
- (4) If the Speaker fails to act under sub rule (3), any councillor may move a motion to require the Speaker to do so.
- (5) The motion referred to in sub rule (4) must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

CHAPTER 6: DEBATE AND MOTIONS

19. Address to Speaker

- (1) A councillor or a member of the public who is recognised to speak at a meeting must address the Speaker.
- (2) A member of the public who is recognised by the Speaker must state his or her name, and if he or she is representing an organisation or any group, identify the organisation or group.

20. Right to speak and limitation

- (1) A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker.
- (2) All councillors are allowed to speak at meetings of Council and its committees and are protected by the provisions of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act No 7 of 2011).
- (3) A councillor may speak only once to —
 - (a) the matter before the Council;
 - (b) any motion before the Council;
 - (c) any amendments to a motion before the Council; or
 - (d) a point of order or a question,

unless authorised by the Speaker or as provided for in these rules.

- (4) A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.
- (5) The Speaker may not recognise a councillor to speak on a matter once council has taken a resolution on that matter.
- (6) The Speaker may not allow a debate on a matter —
 - (a) which may anticipate any matter on the agenda; or
 - (b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

21. Length of speeches

- (1) Except with the consent of the Speaker, no member may speak for more than five minutes on any subject.
- (2) The mover of an original motion or of any amendment may however speak for five minutes on such motion or amendment.

22. Content of debate

- (1) A councillor who speaks must direct his or her speech to the matter before the Council.
- (2) If a councillor persists in irrelevance after being requested by the Speaker to confine his or her speech to the matter before the Council, the Speaker must order him or her to be seated and not to speak further in respect of that matter.
- (3) Councillors and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks, which are of a defamatory nature.

23. Points of order

- (1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules or a statutory provision.
- (2) A point of order may be raised in relation to —
 - (a) a procedural matter; or
 - (b) the conduct of a councillor, a member of the public, or an employee of the Municipality.
- (3) A councillor raising a point of order must immediately be heard, and he or she must —
 - (a) state the point of order; and
 - (b) the rule or statutory provision that is being breached.
- (4) A councillor who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the Speaker. All other matters before the Council must be suspended until the point of order is ruled on.
- (5) If ruled to be in order, the councillor must be allowed to proceed with his or her speech.
- (6) If ruled to be out of order, the councillor must remain silent or must retract or change any remarks so as to comply with the ruling.
- (7) The Speaker's ruling on a point of order is final and not open to debate, and it must be entered in the minutes.

24. Explanations

- (1) The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of the speech may have been misunderstood.
- (2) The councillor giving the explanation may not introduce any new matter, and no debate on the explanation may be allowed.

25. Motions

A councillor may move a motion only when it is put by the Speaker and if seconded by another councillor, except if provided otherwise in these rules.

26. Notice of motions

- (1) Unless provided otherwise in these rules, a notice of motion must be in writing, motivated, signed by the relevant councillor, dated and delivered to the Speaker at least six working days before the date of the meeting at which it is to be moved.
- (2) The Speaker must either put the motion in the agenda or refer such motion to the committee, which is dealing with the matter.
- (3) Sub rule (1) does not apply to the following motions:
 - (a) a motion of exigency; or
 - (b) a motion of course.

27. Questions

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon, a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.
- (3) The Speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of rule 26.

28. Motions of exigency

- (1) A member may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving "that the motion to which attention has been directed be considered forthwith as a matter of exigency."
- (2) Such motion is herein referred to as a motion of exigency.
- (3) If such motion is seconded and carried by a majority of the members present, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.

29. Motions of course

In addition to those provided for elsewhere in these rules, the following shall be regarded as motions of course —

- (i) that precedence be given to the consideration of any particular item appearing on the agenda;
- (ii) that any report referred to in the agenda be noted, adopted, acted upon or referred back;
- (iii) that any document before the council be acted upon in the manner specified in the motion;
- (iv) that action be taken in regard to any item submitted for consideration in the manner specified in the motion.

30. Order of debate

When a motion is under debate at any meeting of the council, no further motion shall be received except the following –

- (i) that the motion be amended;
- (ii) that the consideration of the matter be postponed;
- (iii) that the public and the media be excluded;
- (iv) that the public and the media be re-admitted;
- (v) that the council do now adjourn;
- (vi) that the council adjourn for a specified time;
- (vii) that the debate be adjourned;
- (viii) that the matter be put to the vote;
- (ix) that the council proceed to the next business.

31. Amendment motions

- (1) Every amendment shall be relevant to the motion on which it is moved.
- (2) An amendment shall, if required by the Speaker, be in writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be read before being moved.
- (4) An amendment shall not be discussed or put to council until it has been seconded.
- (5) If there is more than one amendment to a motion the amendment last proposed shall be put to the vote first and if carried the matter shall be resolved accordingly.
- (6) If the amendment last proposed is rejected the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (7) No further amendment shall be moved to a motion or amendment after the Speaker has commenced to take the vote upon such motion or amendment.

32. Motion for postponement of matter

- (1) A member may at the conclusion of a speech move that the consideration of the matter be postponed to a fixed or undetermined date.
- (2) Such motion must be seconded but need not be in writing, provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion for a period not exceeding five minutes and the seconder shall not speak except for seconding the motion.
- (3) Upon such motion being made, the mover of the matter under debate may (without prejudice to his or her ultimate right of reply if the motion that the matter be postponed be not carried) be heard in reply for five minutes, after which the motion shall be put without further debate.
- (4) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed.

33. Motion for adjournment of meeting to another date

- (1) A member who has not already participated in the debate on the matter before the meeting, may at any time except during the course of a speech by another member or while a vote is being taken move "that the council do now adjourn to another date".
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes but the seconder shall not speak except for seconding the motion.
- (4) If the motion is carried, the council shall forthwith adjourn; provided that the Speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (5) If the motion is not carried, the Speaker shall not accept another such motion until the period of half an hour has elapsed.
- (6) Save as is provided in sub rule (3), no discussion on such motion shall be permitted, except that a member, who has first indicated as such, may speak in opposition of the motion for not more than five minutes.
- (7) No amendment to such motion may be moved except in relation to the period of adjournment.
- (8) If a motion to adjourn a meeting has been carried during a debate and prior to the conclusion thereof, then upon consideration of the matter forming the subject of such debate, the adjourned meeting, the member who moved the adjournment shall be entitled to speak first.
- (9) No business shall be transacted at an adjourned meeting except such as was set out in the agenda for the meeting of which it is an adjournment.

34. Motion for adjournment of meeting for specified time

- (1) A member may at any time except during the course of a speech by another member or while a vote is being taken move "that the council now adjourn for a specified time, up to one hour".
- (2) Such motion need not be in writing.
- (3) If the motion is carried, the council shall forthwith adjourn for the specified time.
- (4) The Speaker may limit the number of such motions.

35. Motion of adjournment of debate on matter for specified time

- (1) A member who has not yet participated in a debate, may at the conclusion of any speech, move that the debate be adjourned.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover of such motion may speak to it for five minutes, but the seconder may not speak beyond formally seconding it.
- (4) Save as is provided in sub rule (3) no discussion may be permitted on such motion except in relation to the period of adjournment and that the member who first rises in his place for that purpose may speak in opposition thereto for five minutes.
- (5) If such motion is carried, the meeting proceeds to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next meeting.
- (6) On the resumption of the adjourned debate, the member who moved the adjournment is entitled to speak first.
- (7) If the motion is not carried, the Speaker shall not accept another such motion until half an hour has elapsed.
- (8) A member may not move or second more than one motion for the adjournment of the debate during the course of that debate.

36. Motion that matter be put to vote

- (1) A member who has not yet participated in a debate on a matter may during such debate, at the conclusion of any speech, move that the matter be now put to the vote.
- (2) Subject to the provisions of sub rule (3), no motion put in terms of sub-section (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub rule (1), speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.

37. Motion that the matter be removed from agenda

- (1) A member who has not yet participated in the debate on a matter may during such debate, at the conclusion of any speech, move that the matter be removed from the agenda.
- (2) Subject to the provisions of sub rule (3), no motion put in terms of sub rule (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub rule (1), speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (4) If such a motion is carried, the matter under discussion shall not be further pursued.

38. Motion to refer matter to committee

- (1) A councillor may, at the conclusion of any speech on a matter, move "that the matter be referred to a committee".
- (2) The motion must be seconded and need not be in writing.
- (3) Subject to sub rule (4), a motion referred to in sub rule (1) is not open to debate.
- (4) The councillor who moved the original motion under debate may, when a motion referred to in sub rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub rule (1) must be put to the vote without any further debate.
- (5) If the motion referred to in sub rule (1) is carried, the matter under debate may not be further pursued at the meeting.
- (6) If the motion referred to in sub rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

39. Withdrawal of motion, amendment or questions

- (1) A motion or amendment may without debate and with the permission of the seconder and council, be withdrawn by the mover.
- (2) A member may not speak on such motion or amendment after the Council has agreed to the withdrawal of such motion.
- (3) A question may be withdrawn by the member intending to put it.

40. Absence of councillor who gave notice of motion or question

In the event of the mover or questioner not being present in his place at the meeting of the council when called upon by the Speaker to move a motion or ask a question standing in his name on the agenda, such motion or question shall lapse unless the original mover or questioner has notified the Speaker in writing of a substitute to move the motion or ask the question.

41. Re-introduction of motions or questions

No motion which has been rejected by the council and no question asked in terms of the rules and dealt with at any meeting may again be moved or asked within a period of three months of such meeting except with the consent of the Speaker.

42. Motions or questions on matters dealt with by committee

- (1) A member may not give notice of a motion or question in regard to any matter assigned to a committee unless such motion or question has previously been submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.
- (2) The chairman of a committee may, if he or she is of opinion that the matter is one of urgency, give notice of his or her intention to introduce a motion or ask a question on a matter assigned to such committee notwithstanding the fact that such motion or question has not received the prior consideration of such committee.

43. Recommendation by Executive Mayor or Executive Committee

- (1) A recommendation contained in a report submitted by the Executive Mayor or an Executive Committee to the Council is considered to have been moved by the Executive Mayor or Executive Committee, as the case may be.
- (2) The motion does not need to be seconded.
- (3) The Executive Mayor or any member of the Executive Committee may speak on the matter and reply, but in replying he or she must confine himself or herself to answer the matter and may not introduce any new matter into the debate.

CHAPTER 7: LEGISLATIVE PROCESS**44. Introduction of draft by-laws**

In accordance with section 12 of the Municipal Systems Act, a draft by-law may be introduced only by a councillor or a committee.

45. Introduction of draft by-laws by councillors

- (1) A councillor introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker.
- (2) The Speaker must obtain the comments of the Municipal Manager on the contents of the draft by-law and may solicit the comments of any other person.
- (3) The Speaker must submit a draft by-law, together with any comments received in terms of sub rule (2), to the Executive Mayor or the Executive Committee, if the municipality has such a mayor or committee, for a report and recommendation in accordance with section 30(5) of the Municipal Structures Act.
- (4) The Executive Mayor or the Executive Committee must within three months of receipt of a draft by-law from the Speaker, consider the draft by-law and decide to either support or not support it.
- (5) If the Executive Mayor or the Executive Committee decides to support the draft by-law, the Municipal Manager must publish the draft by-law for public comment in accordance with rule 47.

- (6) If the Executive Mayor or the Executive Committee decides not to support the draft by-law, the Executive Mayor or the Executive Committee must submit a report to the Council, which sets out the following:
 - (a) an executive summary of the draft by-law;
 - (b) a memorandum on the objects of the draft by-law;
 - (c) the contents of the draft by-law;
 - (d) other by-laws that will have to be repealed or amended if the draft by-law is adopted;
 - (e) any relevant comments or proposals;
 - (f) the reasons why the draft by-law is not supported; and
 - (g) a recommendation.
- (7) After considering the report referred to in sub rule (6), the Council must decide to either reject the draft by-law or to approve the commencement of the legislative process set out in rules 47 and 48 in respect of the draft by-law.
- (8) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six months from the date of rejection.
- (9) When the commencement of the legislative process in respect of a draft by-law has been approved in terms of sub rule (7), the draft by-law must be published for public comment in accordance with rule 47.
- (10) If the municipality does not have an Executive Mayor or an Executive Committee, the councillor who introduced the draft by-law must submit a report setting out the matters referred to in sub rule (6)(a) to (g) to the Council where after the procedures set out in sub rules (7) to (9) apply.

46. Introduction of draft by-laws by Executive Mayor or Executive Committee

- (1) An Executive Mayor or Executive Committee introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker and the Municipal Manager.
- (2) The Municipal Manager must publish the draft by-law for public comment in accordance with rule 47.

47. Publication of draft by-laws

The Municipal Manager must as soon as possible after —

- (a) the Executive Mayor or the Executive Committee has decided to support the draft by-law under rule 45 (5);
 - (b) the Council has given approval in terms of rule 45(7) for the commencement of the legislative process; or
 - (c) the Executive Mayor or Executive Committee has introduced a draft by-law in terms of rule 46(1),
- publish the draft by-law for public comment in accordance with section 12(1) (b) of the Municipal Systems Act for at least 30 days, unless the Council has approved a shorter period.

48. Consideration of draft by-laws

- (1) The Municipal Manager must as soon as possible after the closing date for public comment referred to in rule 47, submit a report to the Council or if the municipality has an Executive Mayor or an Executive Committee, to that mayor or committee, together with —
 - (a) a copy of the draft by-law;
 - (b) copies of the advertisements in which the public was invited to make representations;
 - (c) any comments received from the public; and
 - (d) any other comments or recommendations from the Municipal Manager.
- (2) The Executive Mayor or Executive Committee, if the municipality has such a mayor or committee must consider the report by the Municipal Manager and must —
 - (a) submit a report to the Council, which sets out the following:
 - (i) An executive summary of the draft by-law;
 - (ii) a memorandum on the objects of the draft by-law;
 - (iii) the view of the Executive Mayor or Executive Committee on the need for the draft by-law;
 - (iv) the contents of the draft by-law;
 - (v) other by-laws that will have to be repealed or amended if the draft by-law is adopted; and
 - (vi) any relevant comments or proposals; and
 - (b) recommend to the Council to pass the by-law, to pass the by-law in an amended form or to reject the by-law.
- (3) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six months from the date of rejection.
- (4) When a by-law has been passed, it must be published in accordance with section 13 of the Municipal Systems Act.

CHAPTER 8: MISCELLANEOUS MATTERS

49. Official Languages

Anyone who speaks at a meeting may use any of the three official languages recognised by the Constitution of the Western Cape, 1997, namely Afrikaans, English and isiXhosa.

50. Municipal employees

- (1) The employees of the municipality who attend a meeting must observe the rules and decorum applicable to councillors.
- (2) A municipal employee must attend a meeting if requested to do so by the Municipal Manager or the Speaker.

51. Offences and penalties

- (1) A councillor or a member of the public who—
 - (a) refuses to withdraw from a place of meeting of the council or a committee when directed to do so by the Speaker or chairperson of a meeting in terms of rule 18(3)(b); or
 - (b) returns to a meeting from which he or she has withdrawn or was removed in terms of rule 18(3) (b).

may be forcibly removed and is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

- (2) No councillor or member of the public may—
- (a) improperly interfere with—
 - (i) or impede a council or committee when such council or committee is exercising its authority or performing its functions; or
 - (ii) the performance by a councillor of his or her functions as a councillor;
 - (b) threaten or obstruct a councillor proceeding to or going from a meeting of a council or committee;
 - (c) assault or threaten a councillor, or deprive a councillor of any benefit, on account of the conduct of the councillor in a council or committee;
 - (d) while a council or committee is meeting, create or take part in any disturbance within the precincts;
 - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of a council or committee regarding the presence of any person at that meeting; or
 - (f) fail or refuse to comply with an instruction by a duly authorized official of the council regarding—
 - (i) the presence of persons at a particular meeting of the council or a committee; or
 - (ii) the possession of any article, including a firearm, in the precincts or any part thereof.
- (3) A person may not by fraud, intimidation, force, insult or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means—
- (a) influence a councillor in the performance of the functions of councillor;
 - (b) induce a councillor to be absent from a council or committee; or
 - (c) attempt to compel a councillor to declare himself or herself in favour of or against anything pending before, proposed, or expected to be submitted to a council or committee.
- (4) A person, including a councillor, who contravenes sub rules (2) and (3) is guilty of an offence and on conviction is liable to a fine or to imprisonment for a period not exceeding three years or to both the fine and the imprisonment.

52. Repeal of by-laws

The provisions of any by-law previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the Knysna Municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

53. Short title and Commencement

This By-law is called the Knysna Municipality's Rules of Order for Internal Arrangements By-law and comes into operation on the date of promulgation thereof in the Government Gazette.

**KNYSNA MUNICIPALITY
WATER AND SANITATION SERVICES BY-LAW**

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CHAPTER 1: DEFINITIONS

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

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

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

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

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

“agreement” means the contractual relationship between the Municipality and a customer, whether written or deemed as provided for in the Municipality’s by-law relating to Credit control and Debt collection;

“approved” means approved by an authorised agent;

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

“authorised agent” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

“connection pipe” means a pipe, the ownership of which is vested in the Municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SANS 10252 -1;

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

“Council” means the council of the Knysna Municipality;

“customer” means a person with whom the Municipality has concluded an agreement for the provision of a municipal service as provided for in the Municipality’s by-law relating to Credit control and Debt collection;

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

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

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

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

“drainage installation” means a system situated on any premises and vested in the owner thereof and is used for, or intended to be used for, or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of, or ancillary to such systems;

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

“DWA” means the Department of Water Affairs;

“DWAF” means the Department of Water Affairs and Forestry;

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

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

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

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

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

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

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

- “**fire installation**” means a potable water installation that conveys water for fire fighting purposes only;
- “**fixed quantity water**” means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
- “**flood level (1 in 50 year)**” means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
- “**flood plain (1 in 50 year)**” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
- “**french drain**” means a soil soak away for the disposal of sewage and effluent from a septic tank;
- “**grey water**” means waste water resulting from the use of water for domestic purposes but does not include human excreta or any other solid matter;
- “**high strength sewage**” means sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;
- “**household**” means a family unit, as determined by the Municipality as constituting a traditional household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the Municipality considers to be relevant;
- “**illegal connection**” means a connection to any system, by means of which water or sanitation services are provided that is not authorised or approved by the Municipality;
- “**industrial effluent**” shall mean all effluents which are not domestic effluent: Without limiting this definition, they shall include – effluents from all trade, commercial, manufacturing of food processing processes, commercial laundries, dispensaries, hospitals, laboratories, mortuaries, garages, abattoirs and the like;
- “**industrial purposes**” means in relation to the supply of water, means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993); and includes but is not limited to, for the purpose of the by-laws businesses; restaurants; home based industries or services but exclude normal domestic effluents;
- “**installation work**” means work in respect of the construction of, or carried out on a water installation;
- “**interest**” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);
- “**manhole**” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;
- “**main**” means a pipe, other than a connection pipe, vesting in the Municipality or its authorised agent and used by it for the purpose of conveying water to a consumer or sewage from a consumer;
- “**measuring device**” means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
- “**meter**” means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
- “**Municipality**” means –
- (a) Knysna Municipality, a local Municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
 - (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the Municipal Manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of this by-law or any other law; or
 - (c) an authorised agent of the Knysna Municipality
- “**Municipal Council**” means a Municipal Council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;
- “**Municipal Manager**” means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;
- “**municipal services**” means, for purposes of this by-law, services provided by a Municipality and includes water supply, sanitation, and sewerage;
- “**occupier**” means a person who occupies any (or part of any) land, building, structure or premises and includes a person who, for someone else’s reward or remuneration allows another person to use or occupy any (or any part of any) land, building structure or premises;
- “**on-site sanitation services**” means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;
- “**owner**” means –
- (a) the person in whom from time to time is vested the legal title to premises;
 - (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
 - (c) in any case where the Municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
 - (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
 - (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
 - (iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;
- “**person**” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
- “**plumber**” means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No 56 of 1981) or such other qualification as may be required under national legislation;
- “**pollution**” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it:
- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
 - (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

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

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

“**prescribed tariff or charge or charge**” means a charge prescribed by the Municipality;

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

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

- (a) Publication of a notice, in the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the Municipality;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the Municipality determined by the municipal council as a newspaper of record; or
 - (iii) on the official website of the Municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the Municipality;
- (b) Displaying a notice in or at any premises, office, library or pay-point of either the Municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) Communication with customers through public meetings and ward committee meetings;

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

“**SANS**” means the South African National Standard;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“**water services**” means water supply services and sanitation services and has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

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

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

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

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

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

CHAPTER 2: APPLICATION, PAYMENT & TERMINATION

Part 1: Application for Water Services

1. Application for water services

- (1) No person shall be provided with access to water services unless application has been made to, and approved by, the Municipality on the form prescribed in terms of the Municipality's by-law relating to Credit control and Debt collection.
- (2) Water services rendered to a customer by the Municipality are subject to the Municipality's by-law relating to Credit control and Debt collection, this by-law and the conditions contained in the relevant agreement.
- (3) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs / or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her or it.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) An application agreed to by the Municipality shall continue as an agreement between the Municipality and the applicant and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (7) A consumer shall be liable for all the tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this by-law or until such time as any arrears have been paid.
- (8) In preparing, an application form for water services the Municipality shall ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) An application form will require at least the following minimum information –
 - a) certification by an authorised agent that the applicant is aware of and understand the contents of the form;
 - b) acceptance of the consumer of the provisions of the by-law and acceptance of the liability of the cost of water services rendered until the agreement is terminated or until such time as the arrears have been paid;
 - c) Name of consumer;
 - d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - e) address where accounts will be sent
 - f) source of income of the supplicant
 - g) name and address of the applicant's employer, where appropriate;
 - h) if water is to be supplied, the purpose for which the water is to be used; and
 - i) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this by-law and the conditions contained in the relevant agreement.
- (11) If a Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of such water services to commence or is unable to render the water services, the Municipality will inform the consumer of such refusal and/or inability, the reasons thereof and, if applicable, when the Municipality will be able to provide such water services.

2. Special Agreements for Water Services

The Municipality may enter into a special agreement for the provision of water services with an applicant in accordance with the Municipality's by-law relating to Credit control and Debt collection.

3. Change in Purpose for which Water Services are used

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

PART 2: CHARGES

4. Prescribed Charges for Water Services

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

5. Availability Charges for Water Services

- (1) The Municipal Council may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, whether or not such services are consumed.
- (2) Where a fixed charge is levied in terms of subsection 6(1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it
- (3) Availability charges will become payable:
 - a) On transfer of a portion or erf to another owner (for a private development this is when a portion or erf is transferred.)
 - b) When the service becomes available – where a new service is provided by the legal water provider (Municipality or private entity.)

Part 3: Payment**6. Payment for Water Services**

The owner, occupier and customer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a customer, in accordance with the Municipality's by-law relating to Credit control and Debt collection.

Note: Capital contributions are a tariff and the aforementioned is applicable.

Part 4: Accounts**7. Accounts**

Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Municipality. Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

Part 5: Termination, Limitation And Disconnection**8. Termination of Agreement for the Provision of Water Services**

A customer may terminate an agreement for the provision of water services in accordance with the Municipality's by-law relating to Credit control and Debt collection.

9. Limitation and or Disconnection of Water Services Provided

- (1) The Engineer may restrict or discontinue water supply services provided in terms of this by-law:
 - a) In the case of failure to pay the determined charges on the date specified, in accordance with, and after the procedure set out in the Municipality's by-law relating to Credit control and Debt collection has been applied;
 - b) At the written request of a customer;
 - c) If the agreement for the provision of services has been terminated in accordance with the Municipality's by-law relating to Credit control and Debt collection;
 - d) If the building on the premises to which services were provided is to be demolished, it is the responsibility of the owner / occupier to give notice of any building that is going to be demolished.
 - e) If the customer has interfered with a restricted or discontinued service;
 - f) In an emergency or emergency situation declared in terms of the Municipality's by-law relating to Credit control and Debt collection; or
 - g) If the customer has interfered, tampered, damaged, caused, or permitted interference, tampering or damage to the water supply system of the Municipality for the purposes of gaining access to water supply services after notice by the Municipality.
- (2) The Engineer may disconnect sanitation services provided in terms of this by-law:
 - a) At the written request of a customer;
 - b) If the agreement for the provision of sanitation services has been terminated in accordance with the Municipality's by-law relating to Credit control and Debt collection, or
 - c) If the building on the premises to which services were provided has been demolished, it is the responsibility of the owner / occupier to give notice of the building, which is going to be demolished.
- (3) The Municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subsections (1) and (2), including damages or claims that may arise due to the limitation or disconnection of water services by the Municipality in the bona fide belief that the provisions of subsections (1) and (2) applied, except in the case of consumers who had been incorrectly billed.

CHAPTER 3: SERVICE LEVELS**10. Service Levels**

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

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES**Part 1: Connection to water supply system****11. Provision of Connection Pipe**

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the Engineer.
- (3) Only the Engineer may install a connection pipe but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Engineer has installed a connection pipe and meter.

12. Location of Connection Pipe

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

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

- (1) Notwithstanding the provisions of section 13, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or customers located on such premises on condition that application is submitted to and approved by the Engineer
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Engineer may, in its discretion, provide and install either:
 - a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Engineer has installed a single measuring device as contemplated in subsection (2):
 - a) the owner or the person having the charge or management of the premises, as the case may be—
 - b) Must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units:
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (iii) will be liable to the Municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Where premises are supplied by a number of connection pipes, the Engineer may require the owner to reduce the number of connection points and alter his water installation accordingly.

14. Disconnection of Water Installation from the Connection Pipe

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

Part 2: Standards**15. Quantity, Quality and Pressure**

Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

16. Testing of Pressure in Water Supply Systems

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

17. Pollution of Water

An owner must provide and maintain approved measures to prevent the entry of any substance, which might be a danger to health or adversely affect the potable quality of water or affect its fitness for use, into:

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

18. Water Restrictions

- (1) The Municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent, by public notice—
 - a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction:
 - (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:
 - (i) a restriction on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the determined charges in respect of the supply of water; and
 - (iv) a fine, the amount published in the announcement, per incident where a contravention of a public announcement of water restrictions has occurred. This amount may also be published in the annual list of tariffs.
 - 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.
- (2) The Municipality may restrict the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

- (3) The Municipality—
 - a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of this by-law that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); and
 - c) shall, where the supply has been discontinued, restore it only when the determined charge for discontinuation and reconnecting the supply has been paid.

19. Specific Conditions of Supply

- (1) Notwithstanding the undertaking in section 16, the granting of a supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system:
 - a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355, promulgated in terms of the Act on 8 June 2003; or
 - b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355, promulgated in terms of the Act on 8 June 2003.
- (2) The Engineer may, subject to the provisions of subsection (1) (b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If an owner or customer requires:
 - a) that any of the standards referred to in subsection (1); or
 - b) a higher standard of service than specified in section 16; be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.
- (4) The Engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Engineer the consumption of water by a customer adversely affects the supply of water to another customer, he may apply such restrictions as he may consider fit, to the supply of water to the customer in order to ensure a reasonable supply of water to the other customer, and must inform that customer about the restrictions.
- (6) The Municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.
- (7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 10252-1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
- (8) No customer shall resell water supplied to him by the Municipality except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem fit.

Part 3: Measurement

20. Measuring of Quantity of Water Supplied

- (1) The Engineer must provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a customer.
- (2) The Municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.
- (3) Any measuring device and its associated apparatus through which water is supplied to a customer by the Municipality, shall be provided and installed by the Engineer, shall remain its property and may be changed and maintained by the Engineer when he considers it necessary to do so.
- (4) The Engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (5) If the Engineer installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.
- (6) If the Engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall—
 - a) provide a place satisfactory to the Engineer in which to install it;
 - b) ensure that unrestricted access is available to it at all times;
 - c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
 - d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
 - e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the Engineer on the measuring device; and
 - f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the Engineer, is likely to cause damage to any meter;
 - g) shall, if requested by the Engineer, pay a cost for the installation device, which amount shall be payable at least 48 hours before any device is installed.
- (7) No person other than the Engineer shall:
 - a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
 - b) break a seal which the Engineer has placed on a meter;
 - c) in any other way interfere with a measuring device and its associated apparatus; or
 - d) install a measuring device on a municipal system or a system to be taken over by the Municipality without the prior written approval having been obtained from the Engineer.
- (8) If the Engineer considers that, a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.

- (9) The Municipality may require the installation, at the owner's expense, of a pre-approved measuring device to each dwelling unit (own title properties), in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used (body corporate), a single measuring device may otherwise be used for more than one unit.
- (10) The provision of an individual or bulk metering system must, be approved by the Engineer prior to installation.

21. Quantity of Water Supplied to Customer

- (1) For the purposes of ascertaining the quantity of water measured by a measuring device installed by the Engineer and that has been supplied to a customer over a specific period, it will, for the purposes of this by-law, be presumed, except in any criminal proceedings and unless the contrary is proved, that:
 - a) the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;
 - b) the quantity, where the measuring device designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
 - c) the measuring device was accurate during that period; and
 - d) the entries in the records of the Municipality were correctly made; and
 - e) if water is supplied to, or taken by, a customer without having passed through a measuring device, the estimate by the Municipality of the quantity of that water shall be presumed, except in any criminal proceedings, to be correct unless the contrary is proved.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the customer without the water passing through any measuring device provided by the Municipality, the Municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer shall, as the Municipality may decide, be based either on:
 - a) the average monthly consumption of water on the premises recorded over three succeeding measuring periods after the date on which an irregularity referred to in subsection (2) has been discovered and rectified, or
 - b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months immediately before the date on which an irregularity referred to in subsection (2) was discovered.
- (4) Nothing in this by-law shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Engineer on any premises to be measured at the end of every month or any other fixed period, and the Municipality may charge the customer for an average consumption during the interval between successive measurements by the measuring device.
- (5) Until the time when a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during a specific period, must be based on the average consumption of water supplied to the specific supply zone within which the customer's premises are situated.
- (6) Where in the opinion of the Engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the Municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- (7) The Municipality must within seven days, on receipt of a written notice from the customer, and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time, or on a day, other than that upon which it would normally be measured.
- (8) If a contravention of subsection (7) occurs, the customer must pay to the Municipality the cost of whatever quantity of water was, in the opinion of the Municipality, supplied to him.
- (9) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective, he or she may take the steps as provided for in the Municipality's by-law relating to Credit control and Debt collection.

22. Special Measurement

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

23. No reduction of Amount Payable for Water Wasted

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

Part 4: Audit

24. Water Audit

- (1) The Municipality may require a customer, within one month from the end of a financial year of the Municipality, to undertake a water audit at his own cost.
- (2) The audit must at least involve and report:
 - a) the amount of water used during the financial year;
 - b) the amount paid for water for the financial year;
 - c) the number of people living on the stand or premises;
 - d) the number of people permanently working on the stand or premises;
 - e) the seasonal variation in demand through monthly consumption figures;
 - f) the water pollution monitoring methods;
 - g) the current initiatives for the management of the demand for water;
 - h) the plans to manage their demand for water;

- i) a comparison of the report with any report that may have been made during the previous three years;
- j) estimates of consumption by various components of use; and
- k) a comparison of the above factors with those reported in each of the previous three years, where available.
- l) any other information the Engineer may deem necessary.

Part 5: Installation work

25. Approval of Installation Work

- (1) If an owner wishes to have installation work done, he or she must first obtain the Engineer's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400, or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting other than a fixed water geyser and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by:
 - a) the determined charge, if applicable; and
 - b) copies of the drawings as may be determined by the Municipality, giving information in the form required by Clause 4.1.1 of SANS 10252-1;
 - c) a certificate confirming that the installation has been designed by a registered professional Engineer in accordance with SANS 10252-1.
- (3) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twelve months.
- (4) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the Municipality may require the owner at their own cost:
 - a) to rectify the contravention within a specified period;
 - b) if work is in progress, to cease the work; and
 - c) to remove all such work which does not comply with this by-law.

26. Persons Permitted to do Installation and Other Work

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the Municipality, shall be permitted to:
 - a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - b) replace a fixed water geyser or its associated protective devices;
 - c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - d) service, repair or replace a back flow preventer; or
 - e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the Engineer.

27. Provision and Maintenance of Water Installations

- (1) An owner must provide and maintain his water installation at his own cost and, except where permitted in terms of section 103, must ensure that the installation is situated within the boundary of his premises.
- (2) An owner must install an isolating valve at a suitable point on his service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which the portion is situated, as the case may be.

28. Technical Requirements for a Water Installation

Notwithstanding the requirement that a certificate be issued in terms of section 25, all water installations shall comply with SANS 10252-1 and all fixed electrical storage water geysers shall comply with SANS 10254.

29. Use of Pipes and Water Fittings to be authorised

- (1) No person shall, without the prior written authority of the Engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is in accordance with municipal standards and/or a Schedule of Approved Pipes and Fittings as may be compiled by the Municipality from time to time.
- (2) Application for the inclusion of a pipe or water fitting in the standards or Schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.
- (3) A pipe or water fitting may be not be included in the standards or Schedule referred to in subsection (1) unless it—
 - a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
 - b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years; or
 - c) is acceptable to the Municipality.
- (4) The Municipality may, in respect of any pipe or water fitting included in the standards or Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (5) A pipe or water fitting shall be removed from the standards or Schedule if it:
 - a) no longer complies with the criteria upon which its inclusion was based; or
 - b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current standard or Schedule shall be available for inspection at the office of the Municipality at any time during working hours.
- (7) The Municipality may sell copies of the current Schedule at a determined charge, should such be available.

30. Labelling of Terminal Water Fittings and Appliances

All terminal water fittings and appliances using or discharging water shall be marked with, or have included within its packaging, the following information:

- a) The range of pressure in kPa over which the water fitting or appliance is designed to operate.
- b) The flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20 kPa, 100kPa and 400 kPa.

31. Water Demand Management

Where deemed necessary the Engineer may insist that water demand management measures be implemented;

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

Part 6: Communal water supply services**32. Provision of Water Supply to Several Consumers**

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

Part 7: Temporary water supply services**33. Water Supplied from a Hydrant**

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

Part 8: Boreholes**34. Notification of Boreholes**

- (1) No person may sink a borehole on any property in the Knysna Municipal area if prior approval the Department of Water Affairs (DWA) has not been obtained.
- (2) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole, a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (3) The Municipality may, by public notice, require:
 - a) 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; and
 - b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection with sinking is commenced.
- (4) The Municipality may require the owner or occupier of any premises who intends to sink a borehole, to undertake an environmental impact assessment of the intended borehole, to the satisfaction of the Municipality, before sinking it.
- (5) The Municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to—
 - a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and
 - b) impose conditions in respect of the use of a borehole for potable water services.

Part 9: Fire services connections**35. Connection to be approved by the Municipality**

- (1) The Authorised Agent shall be entitled at his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.
- (2) No water shall be supplied to any fire extinguishing installation until a certificate that the Municipality's approval in terms of section 25 has been obtained and that the installation complies with the requirements of this and any other by-laws of the Municipality, has been submitted.
- (3) If in the Authorised Agent's opinion, a fire extinguishing installation which he has allowed to be connected to the Municipality's main is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, he shall be entitled either to require the installation to be disconnected from the main, or to carry out the work of disconnecting it at the customer's expense.

36. Special Provisions

The provisions of SANS 10252-1 shall apply to the supply of water for fire fighting purposes.

37. Dual and Combined Installations

All new buildings erected after the commencement of this by-law, must comply with the following requirements in relation to the provision of fire extinguishing services:

- a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general purposes.
- b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases, a fire hydrant must be provided by the Municipality, at the customer's expense, within 90 metres of the property to provide a source of water for the fire tender to use in extinguishing the fire.
- c) Combined installations, where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
- d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

38. Connection Pipes for Fire Extinguishing Services

- (1) After the commencement of this by-law, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the Engineer.
- (2) The Engineer shall provide and install, at the cost of the owner, a combination meter on the connection pipe as referred to in subsection (1).
- (3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the Engineer gives his approval to the contrary.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

39. Valves and Meters in Connection Pipes

Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device, which shall be:

- a) supplied by the Engineer at the expense of the customer;
- b) installed between the customer's property and the main; and
- c) installed in such position as may be determined by the Engineer.

40. Meters in Fire Extinguishing Connection Pipes

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

41. Sprinkler Extinguishing Installation

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

42. Header Tank or Double Supply from Main

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

43. Sealing of Private Fire Hydrants

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

Part 10: General provisions**44. Sampling of Water**

- (1) The Municipality may take samples of water obtained from a source, authorized in terms of sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in sub-section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

45. Supply of Non-Potable Water by Municipality

- (1) The Municipality may on application in terms of section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of sub-section (1) shall not be used for domestic or other purposes, which, in the opinion of the Municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences on any bona fide fault of the Municipality or the malfunctioning of a treatment plant.

46. Pipes in Streets or Public Places

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

47. Use of Grey Water

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

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES**Part 1: Connection to sanitation system****48. Obligation to Connect to Sanitation System**

- (1) All premises on which sewage is produced must be connected to an approved sanitation system. All premises must be connected to the Municipal sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the Municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with section 71 and 105.
- (2) The Municipality may, by notice, require the owner of premises not connected to the Municipal sanitation system, to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the Municipal sanitation system in accordance with subsection (1), must inform the Municipality in writing of any other sanitation services, provided by the Municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- (4) The owner will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been terminated in accordance with the Municipality's by-law relating to Credit control and Debt collection.
- (5) If the owner fails to connect premises to the sanitation system after having been given notice in terms of subsection (2) the Municipality may, notwithstanding any other action that it may take in terms of this by-law, impose a penalty as determined by the Council in the annual tariff list, on the owner as determined by the Municipality.

49. Provision of Connecting Sewer

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

50. Location of Connecting Sewer

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

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

- (1) Notwithstanding the provisions of section 51, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Notwithstanding subsection (1), the Municipality may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or, if in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (3) Where the provision of more than one connecting sewer is authorised by the Municipality under subsection (2), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

52. Interconnection between Premises

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

53. Disconnection of Connecting Sewer

The Engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of sewer supply services in accordance with the Municipal by-law relating to Credit control and Debt collection.

Part 2: Standards**54. Standards for Sanitation Services**

Sanitation services provided by the Municipality must comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

Part 3: Methods for determining charges**55. Measurement of Quantity of Domestic Effluent Discharged**

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

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

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

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

57. Reduction in the Measured Quantity of Effluent Discharged

- (1) A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of sections 55 and 56, where the quantity of water, on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the Municipality that the water was not discharged into the sanitation system or any other municipal system.
- (2) The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the Municipality, after taking into account all information that is considered by it to be relevant.
- (5) There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumer's failure to comply with this or other by-laws.

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

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

Part 4: Drainage installations

59. Installation of Drainage Installations

An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the Municipality, and except where otherwise approved by the Municipality, must ensure that the installation is situated within the boundary of his premises.

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

60. Disconnection of Drainage Installations

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

61. Maintenance of Drainage Installations

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

62. Technical Requirements for Drainage Installations

All drainage installations shall comply with SANS 10252-2 and the Building Regulations and all other Municipal standards where applicable.

63. Drains

- (1) Drains passing through ground which in the opinion of the Engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the Engineer.
- (2) A drain or part of it may only be laid within, or passes under or through a building, with the written approval of the Engineer in accordance with the conditions as set by the Engineer.
- (3) A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

64. Sewer Blockages

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

65. Grease Traps

- (1) A grease trap of an approved type, size and capacity must be provided in respect of all premises, including but not limited to (households, food outlets, car washes, malls, textile factories, etc. ;) that discharge sewage to on-site sanitation systems or where, in the opinion of the Municipality, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in Municipal or other sewers or drains, or to interfere with the proper operation of any waste-water treatment plant.
- (2) The stipulations as described under section 66 also apply to all premises that discharge effluent that contains grease, oil, fat and or soap.
- (3) Grease, oil, fat and other inorganic materials that are removed from the grease trap must be disposed of to a suitable waste disposal site as approved by the Municipality, and must under no circumstances be discharge back into the sewer or storm water systems in the municipal area.

66. Industrial Grease Traps

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

67. Mechanical Appliances for Lifting Sewage

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

Part 5: On-site sanitation services and associated services**68. Installation of On-Site Sanitation Services**

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

69. Ventilated Improved Pit Latrines

- (1) The Municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.
- (2) A ventilated improved pit latrine must have—
 - a) a pit of 2 m³ capacity;
 - b) lining as required;
 - c) a slab designed to support the superimposed loading; and
 - d) protection preventing children from falling into the pit;
- (3) A ventilated improved pit latrine must conform to the following specifications:
 - a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect-proof screening fixed firmly in place;
 - b) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - c) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - d) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the ingress / egress of flies and other insects when the toilet is in use;
 - e) must be sited in a position that is independent of the dwelling unit;
 - f) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - g) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
 - h) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.
- (4) Any other alternative system must be designed by a registered professional engineer and be approved by the Engineer before installation.

70. Septic Tanks and Treatment Plants

- (1) The Municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the Municipality.
- (4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

- (5) A septic tank serving a dwelling unit must:
 - a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2 500 litres;
 - b) have an internal width of not less than 1 metre measured at right angles to the direction of the flow;
 - c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 metre; and
 - d) retain liquid to a depth of not less than 1,4 metre.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional engineer.
- (7) No rainwater, storm-water, or effluent other than that approved by the Municipality may be discharged into a septic tank.

71. French Drains

- (1) The Municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of wastewater or other effluent by means of french drains, soakage pits or other approved works.
- (2) A french drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the Municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional engineer.

72. Conservancy Tanks

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

73. Operation and Maintenance of On-Site Sanitation Services

The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the Municipal by-law relating to Credit control and Debt collection.

74. Disused Conservancy and Septic Tanks

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

Part 6: Industrial effluent

75. Approval to Discharge Industrial Effluent

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

76. Withdrawal of Approval to Discharge Industrial Effluent

- (1) The Municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 (fourteen) days' notice, if the customer:
 - a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-law or the written permission referred to in section 75;
 - b) fails or refuses to comply with any notice lawfully served on him in terms of this by-law, or contravenes any provisions of this by-law or any condition imposed in terms of any permission granted to him; or
 - c) fails to pay the charges in respect of any industrial effluent discharged.
- (2) The Municipality may on withdrawal of any approval:
 - a) in addition to any steps required in this by-law, and on 14 (fourteen) days' written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
 - b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by this by-law.

77. Quality Standards for Disposal of Industrial Effluent

- (1) A commercial customer, to whom approval has been granted, must ensure that no industrial effluent is discharged into the sanitation system of the Municipality unless it complies with the standards and criteria set out in Schedule A.
- (2) The Municipality may, in granting its approval, relax or vary the standards in Schedule A, provided it is satisfied that any relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a Municipality must consider:
 - a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
 - b) whether technology used by the commercial customer represents the best available to the commercial customer's industry and, if not, whether the installation of the best technology would cause the customer unreasonable expense;
 - c) whether the commercial customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;
 - d) the cost to the Municipality of granting the relaxation or variation; and
 - e) the environmental impact or potential impact of the relaxation or variation.
- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down as a condition for granting an approval.

78. Conditions for the Discharge of Industrial Effluent

- (1) The Municipality may on granting approval by issuing a permit (see Schedule D) for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to:
 - a) subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
 - b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the Municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
 - c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing industrial effluent at any other point;
 - d) construct on any pipe conveying industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - e) provide all information that may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of this by-law;
 - g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the Municipality. Copies of the calibration must be forwarded to the Municipality by the commercial customer; and
 - h) cause industrial effluent to be analyzed as often, and in whatever manner, may be determined by the Municipality, and provide them with the results of these tests as they are available.
- (2) The cost of any treatment, plant, work or analysis, that an owner may be required to carry out, construct or install in terms of subsection (1), shall be borne by the commercial customer concerned.
- (3) If industrial effluent that neither complies with the standards in Schedule A nor has received the approval of the Municipality, is discharged into the sanitation system, the Municipality must be informed and the reasons for it, within twelve hours of the discharge.

Part 7: Sewage delivered by road haulage**79. Acceptance of Sewage Delivered by Road Haulage**

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

80. Approval for Delivery of Sewage by Road Haulage

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

81. Withdrawal of Permission for Delivery of Sewage by Road Haulage

The Engineer may withdraw any approval, given in terms of section 81, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage—

- a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
- b) fails, or refuses, to comply with any notice served on him in terms of this by-law, or contravenes any provision of this by-law, or if any condition has been imposed on him as a condition of approval; and
- c) fails to pay all the charges applicable to the delivery of sewage.

82. Conditions for Delivery of Sewage by Road Haulage

When sewage is to be delivered by road haulage:

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

Part 8: Treated sewage**83. Use of Treated Sewage**

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

Part 9: Other sanitation service**84. Stables and Similar Premises**

The Municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the Municipality may impose; but approval will be given only if:

- a) the floor of the premises is paved by impervious materials that are approved by the Municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
- b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

85. Mechanical Food-Waste or Other Disposal Units

The Municipality may approve the connection or incorporation of a mechanical waste food, disposal unit or garbage grinder, into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges, and to any condition that the Municipality may impose, but approval will be given only if—

- a) a water meter is installed by the Municipality;
- b) the Engineer is satisfied that the Municipality's sewerage and sewage treatment system will not be adversely affected; and
- c) the installation or incorporation is installed in conformance with the Municipality's by-law Relating to Electricity.

86. Building over sewerage system

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

Part 10: Installation work**87. Approval of Installation Work**

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

88. Persons Permitted to do Installation and Other Work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to:
 - a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - c) service, repair or replace a back flow preventer; or
 - d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsections (1) and (2), the Municipality may permit a person who is not a plumber to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of, or who has been nominated by, the Engineer.

89. Use of Pipes and Water Fittings to be authorised

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

90. Testing of Drainage Installations

- (1) No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall, the Municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the Engineer, before the draining installation has been enclosed:
 - a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
 - b) A smooth ball having a diameter 12 mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - c) If required by the Municipality, a camera inspection of the pipe shall be allowed;
 - d) After all openings to the pipe or series of pipes to be tested, having been plugged or sealed and all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which the pressure must remain greater than 25 mm of water for a period of at least 3 (three) minutes without further pumping; and
 - e) All parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3 m head of water for a period of not less than 10 minutes.
- (2) If the Municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the Municipality, the Municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

91. Water Demand Management

- (1) Notwithstanding the provisions of sections 98 and 118, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of this by-law.
- (2) No cistern, or related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4, 5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES**92. Registration**

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

93. Provision of Water Services

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

94. Charges for Water Services Provided

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

CHAPTER 7: UNAUTHORISED WATER SERVICES**95. Unauthorised Services**

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

96. Interference with Infrastructure for the Provision of Water Services

- (1) No person other than the Municipality shall manage, operate or maintain infrastructure through which water services are provided unless by written agreement with the Municipality.
- (2) No person other than the Municipality shall effect a connection to infrastructure through which water services are provided unless covered by agreement of the Municipality.
- (3) The Municipality may recover any costs associated with repairing damage caused as a result of a contravention of subsections (1) and (2). The costs recoverable by the Municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

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

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

98. Wastage of Water

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

99. Unauthorised and Illegal Discharges

- (1) No person may discharge, cause, or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the Municipality likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the Municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.
- (3) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Municipality has approved such discharge.
- (4) No person may discharge or cause or permit the discharge of:
 - a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
 - b) water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the Municipality and subject to the payment of relevant charges and such conditions as the Municipality may impose; or
 - d) any sewage, industrial effluent or other liquid or substance which:
 - (i) in the opinion of the Engineer may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 45° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0 or greater than 10;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (ix) has either a greater COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the Municipality may impose;
 - (x) contains any substance which in the opinion of the Engineer:
 - a) cannot be treated at the sewage treatment work to which it could be discharged;
 - b) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - c) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998) and DWAF General Authorisation – 2004.
 - (xi) either alone or in combination with other substance may:
 - a) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties;
 - b) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - c) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The Municipality may, notwithstanding any other actions that may be taken in terms of this by-law, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the Municipality as a result of such discharges, including costs that result from:
 - a) injury to persons, damage to the sanitation system; or
 - b) a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998).

100. Illegal Re-Connection

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

101. Interference with Infrastructure

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

102. Pipes in Streets or Public Places

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

103. Use of Water from Sources Other than the Water Supply System

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Engineer or DWA, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the Engineer with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of latest amended SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Engineer:
 - a) a condition imposed in terms of subsection (1) is breached; or
 - b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The Engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (7) The provisions of section 21 shall apply as far as they may be applicable in respect of the meter referred to in subsection (4).

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

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

CHAPTER 8: NOTICES**105. Power to Serve and Compliance with Notices**

- (1) The Municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of this by-law, or to fulfil any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than thirty days except where a notice is issued in terms of section 19, when the period shall not be less than seven days.
- (2) If a person fails to comply with a written notice served on him by the Municipality in terms of this by-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—
 - a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - b) restricting or discontinuing the provision of services; and
 - c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) must—
 - a) give details of any provision of the by-law that has not been complied with;
 - b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - e) indicate that the Municipality—
 - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the Municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
 - (ii) may take any other action that it considers necessary for ensuring compliance.
- (4) In the event of an emergency the Municipality may, without prior notice to anyone, undertake the work required by subsection (3) (e) (i) and recover the costs from a person who, but for the emergency, would have been notified in terms of subsection (1).
- (5) The costs recoverable by the Municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 9: APPEALS

106. Appeals against Decisions of the Municipality

- (1) A customer may appeal in writing against a decision of, or a notice issued by, the Municipality in terms of this by-law.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after a customer became aware of the decision or notice and must:
 - a) set out the reasons for the appeal; and
 - b) be accompanied by any security determined by the Municipality for the testing of a measuring device, if it has been tested.
- (3) An appeal must be decided by the Municipality within 14 (fourteen) days after it appeal was lodged and the customer must be informed of the outcome in writing as soon as possible thereafter.
- (4) The decision of the Municipality is final.
- (5) The Municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 10: OFFENCES

107. Offences

- (1) Subject to subsection (2), any person who:
 - a) obstructs or hinders the Municipality in the exercising of the powers or performance of functions or duties under this by-law;
 - b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
 - c) contravenes or fails to comply with a provision of this by-law other than a provision relating to payment for municipal services;
 - d) fails to comply with the terms of a notice served upon him in terms of this by-law; is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine which will be determined from time to time by the Municipality, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such an offence.
- (2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- (3) Any person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 11: DOCUMENTATION

108. Signing of Notices and Documents

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

109. Service of Notices

- (1) Any notice, order or other document that is served on any person in terms of this by-law must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may regarded as having duly been served:
 - a) when it has been left at a person's village, place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;
 - b) when it has been posted by registered or certified mail to a person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - c) if a person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in a manner provided for in subsections (a), (b) or (d);
 - d) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates; or
 - e) by public notice in a recognised newspaper.
- (2) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.
- (3) When any notice or other document must be authorised or served on the owner, occupier of any property, or of any person who holds a right over, or in respect of it, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and shall not be necessary to name him.
- (4) Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in this by-law.

110. Authentication of Documents

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

111. Prima Facie Evidence

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

CHAPTER 12: GENERAL PROVISIONS**112. Responsibility for Compliance with this by-law**

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

113. Provision of Information

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

114. Power of Entry and Inspection

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

115. Indemnification from Liability

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

116. Exemption

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

117. Conflict of Law

If there is any conflict between this by-law and any other by-laws of the Municipality, this by-law will prevail.

118. Transitional Arrangements

- (1) Installation work authorised by the Municipality prior to the commencement date of this by-law or authorised installation work in progress on that date shall be deemed to have been authorised in terms of this by-law; and the Municipality may, for a period of 90 (ninety) days after the commencement of this by-law, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of this by-law.
- (2) Any reference in this by-law to a charge determined by the Municipal Council shall be deemed to be a reference to a charge determined by the Municipal Council under the laws repealed by section 120, until the effective date of any applicable charges that may be determined by the Municipal Council in terms of this by-law, or by-law relating to Credit control and Debt collection, and any reference to a provision in the laws repealed by section 120 shall be deemed to be a reference to a corresponding provision in this by-law.
- (3) Any approval, consent or exemption granted under the laws repealed by section 120 shall, save for the provisions of subsection (4), remain valid.
- (4) No customer shall be required to comply with this by-law by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of this by-law; provided that if, in the opinion of the Engineer, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the Engineer may by notice require the customer to comply with the provisions of this by-law.

119. Repeal of Existing Municipal Water Services By-laws

The following by-laws relating to water supply and sewage are hereby repealed as far as they relate to matters provided for in this by-law:

- a) Water By-law; Provincial Notice: 6282/2005.
- b) Sewage By-law; Provincial Notice: 6282/2005.
- c) Stormwater Management By-law; Provincial Notice: 6506/2008

120. Short Title and Commencement

- (1) This by-law is called the Water and Sanitation Services By-laws of Knysna Municipality.
- (2) The Municipality may, by notice in the Provincial Gazette, determine that provisions of this by-law, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, this by-law is binding.

Schedule a: limits of concentrations of substances that may be discharged into the Knysna Municipality's sanitation system

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

Parameter	Allowed specifications	Units
A. General		
A temperature at the point of entry in excess of;	43°	C
A pH greater than 10,0 or less than 6,0;	6,0 – 10,0	
Chemical oxygen demand (COD) greater than	4 000	mg/L
Electrical conductivity— not greater than	250	m S / m at 25 °C
B. Chemical Substances other than heavy metals		
Anionic surface active agents	500	mg/L
All sugars and / or starch (expressed as glucose)	1 500	mg/L
Available chlorine as Cl	100	mg/L
Caustic alkalinity as CaCO ₃	2 000	mg/L
Chloride as Cl	1 000	mg/L
Fluorine-containing compounds F	5	mg/L
Formaldehyde as HCHO	50	mg/L
Non-organic solids in suspension	100	mg/L
Oils, greases, waxes and fats	400	mg/L
Sodium as Na	1 000	mg/L
Settable Solids (60 minutes)	50	ml/L
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000	mg/L
Substances soluble in petroleum ether	500	mg/L
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works as HCN	20	mg/L
Suspended solids	1 000	mg/L
Total dissolved solids at 105° C	4000	mg/L
Total Phenols as C ₆ H ₅ OH	50	mg/L
Total Phosphates as P	25	mg/L
Total Cyanides as CN	20	mg/l
Total Sulphates as SO ₄	1 500	mg/L
Total Sulphides as S	50	mg/L
Tar products and distillates	50	mg/L
C. Metals		
Group 1		
Chromium (hexavalent)	0	mg/L
Chromium (trivalent) as CrO ₃	10	mg/L
Copper as Cu	10	mg/L
Manganese as Mn	20	mg/L
Nickel Ni	5	mg/L
Zinc as Zn	20	mg/L
Iron as Fe	20	mg/L
Silver as Pb	5	mg/L

Parameter	Allowed specifications	Units
Cobalt as Co	5	mg/L
Tungsten as W	5	mg/L
Titanium as Tii	5	mg/L
Cadmium as Cd	5	mg/L
<i>Total collective concentration of all metals in Group 1</i>	<i>50</i>	<i>mg/L</i>
Group 2		
Arsenic as As	5	mg/L
Boron as B	5	mg/L
Lead as Pb	5	mg/L
Selenium as Se	5	mg/L
Mercury as Hg	5	mg/L
Cadmium as Cd	5	mg/L
Nickel as Ni	5	mg/L
<i>Total collective concentration of all metals in Group 2</i>	<i>10</i>	mg/L
D. Radioactive wastes		
Any radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

2. No person shall discharge effluent into the sewerage system which

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

SCHEDULE B: APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE KNYSNA MUNICIPALITY'S SANITATION SYSTEM



DIRECTORATE OF TECHNICAL SERVICES

PERMIT APPLICATION

TO DISCHARGE A TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM

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

Director: Technical Services	
Knysna Municipality 5 Clyde Street KNYSNA 6570	
Tel:	(044) 302 6300
Fax:	(044) 302 6333
E-mail:	rparry@knysna.gov.za

Part 1: Nature Of The Business Or Industry Concern

1.1 Business

REGISTERED NAME OF THE BUSINESS			
STREET NAME	POSTAL ADDRESS	ERF NO.	ALLOTMENT AREA
AUTHORISED PROCESSES FOR THE PREMISES			

Part 2: Information relating to water consumption

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

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

2.2 Effluent Discharge rate:

EFFLUENT DISCHARGE RATE			
CONNECTION POSITION	MAXIMUM RATE IN KI		
	PER MONTH	PER DAY	PER HOUR

2.3 Effluent Discharge factor:

EFFLUENT DISCHARGE FACTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER	
FRACTION OF METERED WATER TO SEWER	

In the event that no effluent meter is installed on the premises, the estimated volume of unmetered effluent discharge will be calculated as follows **if needed:**

70% of Total: A, except if otherwise agreed with the Municipality

2.4 Effluent Discharge times:

EFFLUENT DISCHARGE TIMES	
MONDAY TO THURSDAYS	
FRIDAY	
SATURDAY	
SUNDAY	

Part 3: Information regarding the composition of the industrial effluent

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

Parameter	Allowed specifications	Units
A. General		
A temperature at the point of entry in excess of;		C
A pH greater than 10,0 or less than 6,0;		
Chemical oxygen demand (COD) greater than		mg/L
Electrical conductivity— not greater than		m S / m at 25 °C
B. Chemical Substances other than heavy metals		
Anionic surface active agents		mg/L
All sugars and / or starch (expressed as glucose)		mg/L
Available chlorine as Cl		mg/L
Caustic alkalinity as CaCO ₃		mg/L
Chloride as Cl		mg/L
Fluorine-containing compounds F		mg/L
Formaldehyde as HCHO		mg/L
Non-organic solids in suspension		mg/L
Oils, greases, waxes and fats		mg/L
Sodium as Na		mg/L
Settable Solids (60 minutes)		ml/L
Substance not in solution (including fat, oil, grease waxes and like substances)		mg/L
Substances soluble in petroleum ether		mg/L

Parameter	Allowed specifications	Units
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works as HCN		mg/L
Suspended solids		mg/L
Total dissolved solids at 105° C		mg/L
Total Phenols as C ₆ H ₅ OH		mg/L
Total Phosphates as P		mg/L
Total Cyanides as CN		mg/l
Total Sulphates as SO ₄		mg/L
Total Sulphides as S		mg/L
Tar products and distillates		mg/L
C. Metals		
Group 1		
Chromium (hexavalent)		mg/L
Chromium (trivalent) as CrO ₃		mg/L
Copper as Cu		mg/L
Manganese as Mn		mg/L
Nickel Ni		mg/L
Zinc as Zn		mg/L
Iron as Fe		mg/L
Silver as Pb		mg/L
Cobalt as Co		mg/L
Tungsten as W		mg/L
Titanium as Tii		mg/L
Cadmium as Cd		mg/L
<i>Total collective concentration of all metals in Group 1</i>		<i>mg/L</i>
Group 2		
Arsenic as As		mg/L
Boron as B		mg/L
Lead as Pb		mg/L
Selenium as Se		mg/L
Mercury as Hg		mg/L
Cadmium as Cd		mg/L
Nickel as Ni		mg/L
<i>Total collective concentration of all metals in Group 2</i>		mg/L
D. Radioactive wastes		
Any radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

3.2 Proposed pre-treatment of effluent before discharge in to the sewer system:

TYPE OF PRE-TREATMENT		REQUIRED	REMARKS
Screens (hand raked)	: Area (m ²)		
Screens (mechanical)	: Area (m ²)		
Macerator	:		
Grease Traps	: Volume (m ³)		
	: Depth (m)		
Grit Tanks	:		
Sedimentation Tanks	: Area (m ²)		
	: Volume (m ³)		
Biological processes	: Type		
pH control	:		

Part 4: Conditions Relating to the Acceptance of Industrial Effluent

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

Thus done at by the applicant thisday of20

.....
Signature and capacity of the applicant

The application form fully completed and in duplicate should be posted to:

The Director: Technical Services
Knysna Municipality
PO Box 21
KNYSNA
6570

OR delivered to:

Knysna Municipality
5 Clyde Street
KNYSNA
6570

Part 5: APPLICATION APPROVED

DIRECTOR: TECHNICAL SERVICES	DATE ISSUED	PERMIT NO.	DATE EXPIRES

Schedule c: Formula for the calculation of effluent discharges

Knysna Municipality

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

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

Where	T_c	=	Extraordinary treatment cost to consumer per kL
	X	=	Conveyance cost per kL
		=	C_c/V_A
	Conveyance	=	The transport of effluent or any liquid waste in the bulk or external sewer network from the point of discharge to the inlet of the of the treatment works
	C_c	=	The operation and maintenance expenditure towards the conveyance of the waste water in kL per annum
	V_A	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
	Y	=	Variable treatment costs per kL
		=	C_T/V_A
	Variable Treatment costs	=	These costs are defined as expenditure that does vary significantly with volume and COD loading
	C_T	=	The operation and maintenance expenditure towards the treatment of the waste water in kL per annum
	V_A	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
	COD_i	=	Average of each industria, inclusive of both biodegradable and non-biodegradable portion of COD
	COD_w	=	Average of works (weighted for more than one works), inclusive of both biodegradable and non-biodegradable portion of COD
	Z	=	Fixed Costs per kL
		=	C_F/V_A
	Fixed Costs	=	These costs are defined as expenditure that does not vary significantly during a particular financial year and which is not affected by COD loading
	C_F	=	Fixed cost expenditure towards the treatment of the waste water in kL per annum
	V_A	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kL per annum
	Penalty	=	Penalty per kL charged in addition to the effluent charge based on volume and COD, for prohibited effluents, for instances where COD_i of the effluent exceeds 3000 mg/L or where any other quality parameter exceeds the maximum value allowed according to Annexure A of the by-laws, as contained in the permit for the industry
		=	$P \times (\text{value measured}/\text{maximum allowed})$ If value measured is lower than maximum value $P = 0$, except in the case of pH were $P = 0$ if pH is between 6 and 10 and the Penalty = $P \times (\text{value measured}/10)$ if the pH is above 10 and = $P \times \{4 + (4 - \text{value measured})/4\}$ if it is below 4
	P	=	Unit penalty charge as determined by Council

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

DATE	 KNYSNA Municipality Munisipaliteit uMasipala	PERMIT NO.

KNYSNA MUNICIPALITY
 DIRECTORATE CIVIL ENGINEERING SERVICES

PERMIT
 TO DISCHARGE A TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM

Valid for one year after issue

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

Director: Technical Services	
Knysna Municipality 5 Clyde Street KNYNSNA 6570	
Tel:	(044) 302 6300
Fax:	(044) 302 6333
E-mail:	rparry@knysna.gov.za

PERMIT TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE SEWERAGE SYSTEM

DATE	 KNYSNA Municipality Munisipaliteit uMasipala	PERMIT NO.

1. Nature of the Business or Industry Concern:

REGISTERED NAME OF THE BUSINESS			
STREET NAME	POSTAL ADDRESS	ERF NO.	ALLOTMENT AREA
AUTHORISED PROCESSES FOR THE PREMISES			

2. Effluent Discharge rate:

EFFLUENT DISCHARGE RATE			
CONNECTION POSITION	MAXIMUM RATE IN kl		
	PER MONTH	PER DAY	PER HOUR

3. Effluent Discharge factor:

EFFLUENT DISCHARGE FACTOR	
FRACTION OF METERED WATER NOT DISCHARGED TO SEWER	
FRACTION OF METERED WATER TO SEWER	

4. Effluent Discharge times:

EFFLUENT DISCHARGE TIMES	
MONDAY TO THURSDAYS	
FRIDAY	
SATURDAY	
SUNDAY	

5. Pre-treatment requirements before acceptance:

PRE-TREATMENT REQUIRED BEFORE ACCEPTANCE
<ul style="list-style-type: none"> · Removal of settleable solids · Fat, oil and grease removal · Any further treatment as may be deemed necessary when more information on the composition of the effluent being discharged is available after sampling and analysis · Special steps should be taken to ensure that no sea water can enter the municipal sewerage system.

6. Physical and chemical condition requirements before acceptance:

Parameter	Allowed specifications	Units
B. General		
A temperature at the point of entry in excess of;	43°	C
A pH greater than 10,0 or less than 6,0;	6,0 – 10,0	
Chemical oxygen demand (COD) greater than	3 000	mg/L
Electrical conductivity— not greater than	250	m S / m at 25 °C
B. Chemical Substances other than heavy metals		
Anionic surface active agents	500	mg/L
All sugars and / or starch (expressed as glucose)	1500	mg/L
Available chlorine as Cl	100	mg/L

Parameter	Allowed specifications	Units
Caustic alkalinity as CaCO ₃	2000	mg/L
Chloride as Cl	1000	mg/L
Fluorine-containing compounds F	5	mg/L
Formaldehyde as HCHO	50	mg/L
Non-organic solids in suspension	100	mg/L
Oils, greases, waxes and fats	400	mg/L
Sodium as Na	1000	mg/L
Settable Solids (60 minutes)	50	ml/L
Substance not in solution (including fat, oil, grease waxes and like substances)	2000	mg/L
Substances soluble in petroleum ether	500	mg/L
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works as HCN	20	mg/L
Suspended solids	1000	mg/L
Total dissolved solids at 105° C	4000	mg/L
Total Phenols as C ₆ H ₅ OH	50	mg/L
Total Phosphates as P	25	mg/L
Total Cyanides as CN	20	mg/l
Total Sulphates as SO ₄	1500	mg/L
Total Sulphides as S	50	mg/L
Tar products and distillates	50	mg/L
C. Metals		
Group 1		
Chromium (hexavalent)	0	mg/L
Chromium (trivalent) as CrO ₃	10	mg/L
Copper as Cu	10	mg/L
Manganese as Mn	20	mg/L
Nickel Ni	5	mg/L
Zinc as Zn	20	mg/L
Iron as Fe	20	mg/L
Silver as Pb	5	mg/L
Cobalt as Co	5	mg/L
Tungsten as W	5	mg/L
Titanium as Tii	5	mg/L
Cadmium as Cd	5	mg/L
<i>Total collective concentration of all metals in Group 1</i>	<i>50</i>	<i>mg/L</i>
Group 2		
Arsenic as As	5	mg/L
Boron as B	5	mg/L
Lead as Pb	5	mg/L
Selenium as Se	5	mg/L
Mercury as Hg	5	mg/L

Parameter	Allowed specifications	Units
Cadmium as Cd	5	mg/L
Nickel as Ni	5	mg/L
<i>Total collective concentration of all metals in Group 2</i>	<i>10</i>	mg/L
D. Radioactive wastes		
Any radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department.		

7. Prohibited effluents:

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

8. Special conditions:

SPECIAL CONDITIONS FOR THIS PERMIT
The permit holder shall install and maintain at its own cost a suitable flow measuring device, on all lines discharging industrial effluent to the Municipality's sewer system, to measure the volumes. The proposed flow measuring device shall be to the satisfaction and approval of the Director Technical Services.

9. Indemnification of the local authority:

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

10. Conditions of Issue:

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

DIRECTOR: TECHNICAL SERVICES	DATE ISSUED	PERMIT NO.	DATE EXPIRES