

MALUTI A PHOFUNG LOCAL MUNICIPALITY



BUILDING CONTROL BY-LAWS

SCHEDULE

BY-LAWS SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 [ACT 103 OF 1977] AND THE REGULATIONS PROMULGATED THEREUNDER.

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Definitions

- 1 In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], the National Building Regulations promulgated there under and the User's Code for the application of the National Building Regulations, SABS 0400/1990.
"adequate" or "effective" means adequate or effective in the opinion of the Council and
"approved" means approved by the Council, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;
"anti-siphonage pipe" means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphonage or backpressure;
"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of the drainage installation;
"communication pipe" any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of these by-laws, as far as the inlet of the meter;
"connecting sewer" means that part of a sewerage system which is vested in the Council and by means of which a drain is connected to the Council's sewer;
"connection" means the point where a drain is connected to the connecting sewer;
"conservancy tank" means a tank which is used for the retention and temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;
"consumer" means the occupier of any premises with whom or which the Council has contracted to supply water or the owner or any person who has entered into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;
"Council" means the Maluti A Phofung Municipality and/or any duly authorized committee or official of the said Municipality;
"drain" means that portion of a drainage installation other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the connecting sewer or to a common drain or a conservancy tank or septic tank which is situated on the premises;
"drainage installation" means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;
"drainage work" means the construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but shall not include any work undertaken solely for purposes or repair or maintenance;
"gully" means a pipe fitting incorporating a trap into which waste water is discharged;
"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including any mining operation, and includes any liquid besides soil-water, waste-water or storm-water,
"main" means any pipe, aqueduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.
"Municipal Manager" means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

"owner" in relation to immovable property means the person in whom is vested the legal title thereto and includes:

- (a) a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- (b) in 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 relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 [Act 95 of 1986], the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

"premises" means any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in term of the Land Survey Act, 1927 (Act 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or

- (b) a sectional plan registered in term of the Sectional Titles Act, 1986 [Act 95 of 1986],
- "purified effluent"** means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;

"sanitary fitting" or "sanitary appliance" means any soil-water fitting and any waste-water fitting;

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

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

"sewer" means any pipe with fittings, vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;

"soil-water" means any liquid containing human or animal excreta;

"soil-water fitting" means any fitting used for the reception and discharge of soil-water;

"soil-water pipe" means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

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

"storm water" means any liquid resulting from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

"tariff" means the tariff of charge regarding the Council's sewerage services, as determined by the Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act 2000 or any other applicable law;

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

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

"waste-water" means used water that has not been polluted by soil-water or industrial effluent, and does not include storm water,

"waste-water fitting" means any fitting used for the reception and discharge of waste-water;

"waste-water pipe" means any pipe, other than a drain, used for the conveyance of water-waste only;

"water care works" means any water works for the purification treatment or disposal of effluent;

"water seal" means the water in a trap, which serves as a barrier against the flow of foul air or gas;

Scope of By-Laws

2. (1) These by-laws are supplementary to the National Building Regulation and shall apply to every building, sewerage installation and/or water installation, and, regarding

sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing installation, whether or not required by the Council to be made or altered in terms of the National Building Regulations or these bylaws.

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

Cat-heads, cranes and platforms

3. Cat-heads, lifting cranes, platforms and other such contrivances shall not overhang any street or sidewalk without the prior written consent of the Council.

Slab footways or pavement

4.
 - (1) The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.
 - (2) Paving or slabs shall be laid to the grade, line and cross-fall pointed out by the Council and shall conform to the following further requirements:
 - (a) For ordinary paving or slabs, the minimum cross-fall shall be 1:100 and the maximum cross-fall 1:25.
 - (b) Non-skid paving or slabs of a type to be approved by the Council shall be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall shall not exceed 1:15.
 - (c) Longitudinal grades shall not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade shall not exceed 1:15.
 - (3) When carriage openings are formed in kerbs and cross footways or pavements, such openings shall be paved or blabbed.
 - (4) The Council may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

Planting on footways and sidewalks

5.
 - (1) The owner or occupier of an erf adjoining a street may, at his/her own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
 - (2) The owner or occupier of an erf aforesaid may plant with flowers or small shrubs, a strip of land not exceeding 1 m in width immediately adjoining the said erf.
 - (3) The Council may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

Street gutter bridged

6. No person shall bridge over or enclose any gutter or storm water drain under the control of the Council without the prior written consent of the Council.

Encroachments

7.
 - (1) A cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof.
 - (2) Foundations that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m.
 - (3) Sunshades and overhead lamps may exceed a street boundary or building line: provided that there shall be a head clearance of at least 2, 1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps.
 - (4) Eaves projections may exceed the street boundary or building line.

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

8. (1) No building shall without the prior permission of the Council be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Council, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.
- (2) For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

Relay of storm water from a high-lying erf to a lower lying erf

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

Enclosures

10. Where any erf is enclosed in whichever manner, such enclosure shall be designed, erected and maintained according to sections 11, 12 and 13 subject to any other provisions of these By-laws.

Height restrictions

- 11 (1) No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 2.1m.
- (2) Apart from the provisions of subparagraph (1) hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

Design and appearance

12. (1) An enclosure, as provided in paragraph 1 hereof, which is visible from an adjacent street or public open space shall comply with the following conditions
- (a) All surfaces which are visible from such street or public open space shall:
- (i) be skilfully finished;
- (ii) be of good quality material;
- (iii) be without defect; and
- (iv) have an exposed or finished side;
- (b) painted surfaces visible from such street or public open spaces, shall be white only or a different colour as approved by the Council.
- (c) If such enclosure is made of precast material and is visible from such street or public open space, it shall only have a brick pattern and be painted white or a different finish or colour as approved by the Council.
- (d) If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.
- (2) An enclosure, as provided in paragraph 1 hereof, which is visible from any adjacent erf, shall comply with the following requirements:
- (a) All surfaces fronting on the adjacent erven shall be -
- (i) skilfully finished;
- (ii) of good quality material;
- (iii) without defect; and
- (iv) maintenance free
- (b) if applicable, the struts, posts and columns of such an enclosure shall show on the owner's side
- (c) If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.
- (3) Notwithstanding the provisions in these By-laws -
- (a) the Council may agree to it that the maximum heights, as stipulated in paragraph 1 hereof, be exceeded;

- (b) the enclosure, as provided in paragraph 1 hereof, shall, within a distance of 4.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Council so requires;
- (c) no barbed wire or similar wire and safety spikes in any area Industrial - zoned erven excluded may be visible from any street, public open space or adjacent erf;
- (d) the enclosure shall be properly maintained to the sole satisfaction of the Council.
- (e) the height of any enclosure or wall will be measured from natural ground level.

Roofs

- 13. (1) Sheet metal which is used for roofs and is visible from the street or surrounding erven shall be properly painted within fifteen months after construction thereof if the Council so requires.
- (2) No roof surface may have a luminous finish.

Connection to sewer

- 14. (1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his/her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.
- (2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises shall, 14 days before the drainage installation on his/her premises will be ready for connection to a connecting sewer, advise the Council of his/her intention to so connect. As soon as the Council has provided the connecting sewer, he/she shall connect the drain to it at his/her own expense.
- (3) Any alternative or additional connection required by the owner shall be subject to the approval of the Council and shall be effected at the owner's expense.
- (4) No person shall permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.
- (5) Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, shall lay and connect any connecting sewer to the sewer.
- (6) The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Council.

Disconnection of Drainage Installations and Conservancy or Septic Tanks

- 15. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Council may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Council may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Council shall issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate shall have been issued by the Council, any such charges shall continue to be raised.
- (3) When a drainage installation is disconnected from a sewer, the Council shall seal the opening so made and shall recover from the owner the cost of such work in terms of section 14(5).

- (4) Any person who, without the permission of the Council, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (3), shall be guilty of an offence.
- (5) Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Council, can be connected to a sewer, shall be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

Drainage Work which does not comply with the Requirements

- 16.** (1) Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or these by-laws, the owner shall, on receipt of a written notice by the Council to do so and notwithstanding the fact that he/she may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.
- (2) When, in the opinion of the Council, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his/her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Council may, by notice in writing, require the owner to carry out within the period specified by such notice any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- (4) The Council may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right also to prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or these by-laws, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection [5].
- (5) Where any work other than that for which a fixed charge has been determined, is undertaken by the Council, the costs of which it is entitled in terms of these bylaws to recover from any person, there may be included in such costs such claim to be determined by the Council as will cover all expenditure reasonably incurred by the Council.

Maintenance

- 17.** Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation

Drainage and Sewer Blockages

- 18.** (1) No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.
- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he/she shall forthwith inform the Council of the facts and take steps to have it cleared.
- (3) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (5), be undertaken by or under

the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.

- (4) Any plumber or registered person as aforesaid shall, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his/her intention to do so, and shall when he/she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- (5) The Council shall, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 16(5).
- (6) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council is reasonably satisfied that such 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 and the Council may recover such cost from the owner in accordance with Section 16(5).
- (8) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall however, be jointly and severally liable for the whole charge.

Interference with or Damage to Sewers and Water Care Works

19. Any damage caused to the Council's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or these by-laws shall be rectified or repaired by the Council at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

Entry onto Premises

20. (1) An official authorized by the Council shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Council may deem necessary.
- (2) Any owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any official demanding the same in terms of subsection (1), or who obstructs or causes or suffers any person to obstruct such official in the performance of his/her duties, or who withholds or causes or suffers any other person to withhold information required by the official for the purpose of carrying out his/her said duties, or who gives or causes or suffers any other person to give to the official any information which is to his/her knowledge false, shall be guilty of an offence.

Manholes on Municipal Property

21. (1) Where, for any reason whatsoever, the provision of adequate means of access to the Council's connecting sewer is impracticable on any private premises, the Council may, at the expense of the owner, cause or permit a manhole to be constructed over the Council's connecting sewer in such public place and in such position and of such materials and dimensions as the Council may decide and, in addition, the owner shall bear the cost, as assessed by the Council, of any alteration to existing services in the public place which may, by reason of the construction of the manhole, be necessary.
- (2) The owner of the private premises referred to in subsection (1) shall, if so required by the Council, pay rental to the Council for the space occupied by the manholes in the public place.

Mechanical Food-Waste or other Disposal Units

22. (1) No person shall incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W,

unless a standard water meter, which the Council installs and seals at the cost of the owner and to which the Council has the right of access at all times, has been connected into the supply pipe which provides water to the unit.

- (2) The Council may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- (3) The owner shall, upon the removal of any such unit or grinder, notify the Council in writing within 14 days of its removal.
- (4) The charges as prescribed in the applicable tariff shall be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (1).

Sewage or other Pollutants not to enter Storm water drains

23. (1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Council has specifically permitted such discharge.
- (2) Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Council, likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or to contribute towards the pollution of any such watercourse, the Council may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution

Storm water not to enter Sewers

24. No person shall discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

Discharge from Swimming Pools

25. Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises shall be discharged into a drainage installation only with the prior written consent of the Council and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

Permission to Discharge Industrial Effluent

26. (1) No person shall discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Council or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the Council for permission to do so on the prescribed form, to be completed in duplicate, and shall thereafter furnish such additional information and submit such samples as the Council may require.
- (3) The Council may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- (4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of

subsection (3) shall be guilty of an offence and be liable to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.

- (6) Without prejudice to its rights in terms of subsection (5) or of Section 27(2)(c), the Council shall be entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 27 or which has been the subject of an order issued in terms of Section 27(2), the whole cost of expenses or charges incurred or to be incurred by the Council or of losses suffered or to be suffered as a result of any or all of the following:
- (a) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Council or not; or
 - (b) A prosecution in terms of the Water Act, 1956 (Act 54 of 1956), as amended, or any action against the Council consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Council.
- (7) Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Council or in terms of the Water Act, 1956 (Act 54 of 1956), as amended or as a result of any amendment of these by-laws or due to any other reason, the Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all such effluent into the sewer or prohibit the discharge of any or all of such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having lapsed and the new or amended conditions, if any, as the case may be, shall forthwith apply.

Control of Industrial Effluent

27. (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- (2) The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, shall obtain prior written permission from the Council.
- (3) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him/her, without prejudice to any other provision of the National Building Regulations or these by-laws, to do all or any of the following:
- (a) To subject the effluent before it is discharged into the sewer, to such pre-treatment as will ensure that it will at all times conform in all respects with the requirements of Section 27(1) or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956 (Act 54 of 1956), as amended;
 - (b) to restrict the discharge of effluents to certain specifies hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of

the Council may be necessary or adequate for compliance with the said restrictions;

- (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Council, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- (d) to construct at his/her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
- (e) to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand [COD] or permanganate value [PV] and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Council may use such alternative method of assessment as it may deem expedient and the charge to be levied shall be assessed accordingly;
- (f) to provide all such information as may be required by the Council to enable him to assess the charges payable in terms of the tariff; and
- (g) for the purposes of subsection (f) to provide and maintain at his/her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Council, used on the property and discharged as industrial effluent into the sewer.

Metering and Assessment of the Volume and Composition of Industrial Effluent

28. (1) The Council may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: provided that the Council may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.
- (2) The Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes shall:
- (a) register such borehole or well with the Council;
 - (b) provide the Council with full particulars of the discharge capacity of the borehole or well; and
 - (c) if the Council has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Council, be necessary for the purpose of these by-laws.

Prohibited Discharges

29. (1) No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:
- (a) in the opinion of the Council, may be offensive to or may cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
 - (c) has a pH value less than 6,0 or greater than 10,0;
 - (d) contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;

- (e) contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;
 - (f) contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
 - (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (h) contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (i) exceeds any of the limits or concentrations of substances specified in the Annexure: provided that the Council may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that, in the circumstances, the discharge of such substance will not:
 - (i) damage any sewer, mechanical appliance, water care works or equipment; or
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
 - (j) contains any substance of whatsoever nature which, in the opinion of the Council:
 - (i) is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (ii) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated affluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956 (Act 54 of 1956); or
 - (iii) whether listed in the Annexure or not, either alone or in combination with other matter may:
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.
- (2)
- (a) Any person receiving from an official duly authorized thereto by the Council a written order instructing him/her to stop the discharge into the sewer of any substance referred to in subsection (1), shall forthwith stop such discharge.
 - (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of subsection (2)(a), shall be guilty of an offence.
 - (c) Notwithstanding the provisions of subsection (2)(b), should any person have failed to comply with the terms of an order served on him/her in terms of subsection (2)(a) and such discharge is likely, in the opinion of the Council, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the person responsible for the discharge shall forthwith stop it, or if he/she fails to do so, the Council may prevent him/her from proceeding with the discharge.

Connection from mains

30. (1) All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Council as far as the boundary of the consumer's property
- (2) Such communication pipes shall be used only for fire extinguishing purposes.
- (3) No take-off of any kind shall be made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank shall be controlled by a suitable ball tap.

Valves in Communication Pipes

31. Every communication pipe shall be fitted with a proper stop valve, which said valve shall be -
- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the communication pipe;
- (d) in such position as may be determined by the Council.

Additions to System

32. No further sprinkler shall be added or connected to any existing fire extinguishing system after such system has been connected to the mains without the prior written consent of the Council.

Extension of System to other premises

33. No extension or connection from any fire extinguishing system to other premises shall be made, and in the event of any such connection or extension being made, the Council shall be entitled to enter upon any premises and to take all steps necessary to disconnect such connection or extension at the cost of the persons responsible for such extension or connection.

Inspection and approval of Fire Extinguishing Service

34. No supply of water shall be made or given until the fire extinguishing system has been inspected and the Council has certified in writing that such service is in accordance with these by-laws and the work has been carried out to the Council's satisfaction

Connection to be at pleasure of the Council

35. Connection to the mains shall be at the pleasure of the Council, which shall be entitled to disconnect any fire extinguishing services at any time.

Installation of Reflux Valve

36. In all private installations where a fire pump connection is installed, a reflux valve to close off the supply from the Council's mains when the fire pump connection is being used shall be installed between the boundary of the property and the fire pump connection.

Sprinkler system

37. (1) A sprinkler system may be installed in direct communication with the main, but the Council shall not be deemed to guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system has been installed and completed, the owner shall advise the Council in writing within 14 days of the date of completion of the installation of such sprinkler system.

Header tank or duplicate supply from mains

38. In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which shall discharge in such a position as to be readily observable, and shall not be led away by any down-pipe to any drain.

Notices

39. (1) Every notice, order or other document issued or served by the Council in terms of these by-laws shall be valid if signed by the Municipal Manager or an official of the Council duly authorized thereto by the said Municipal Manager.
- (2) If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:

- (a) Delivering the notice to him personally or to his duly authorized agent or:
 - (b) By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
 - (c) If he has nominated an address for legal purposes, by delivering the notice to such an address; or
 - (d) By registered or certified post addressed to his last known address.
 - (e) In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
 - (f) If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.
- (3) Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it to him by registered post.
- (4) In every notice, order or other document issued or served in terms of these by-laws, the premises to which it relates shall be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his name is not known.

Penalty Clause

40. Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and liable upon conviction to -
- (a) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or 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 found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal Of By-Laws

41. Any by-laws relating to building regulations adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short Title

42. This by-law is called the By-law Relating to Building Regulations, 200..

ANNEXURE

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of Section 27(1) of these by-laws:

- (1) The limits of the PV, pH and electrical conductivity of sewage are as follows:
 - (a) PH-within the rage 6,0-10,0;
 - (b) Electrical conductivity not greater than 300m/Sm at 20°C.
- (2) The maximum permissible concentrations of pollution expressed in milligrams per litre [mg/l] are as follows:
 - (a) GENERAL:

- (i) PV-not to exceed: 1 400mg/l;
 - (ii) Caustic alkalinity [expresses as CaCO₃]: 2 000 mg/l;
 - (iii) Substances in suspension [including fat, oil, grease, waxes and like substance]; 2 000mg/l;
 - (iv) Substances soluble in petroleum ether. 500mg/l;
 - (v) Sulphides, hydro-sulphides and polysulphides [expressed as S]: 50mg/l;
 - (vi) Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works [expressed as HCN]: 20mg/l;
 - (vii) Formaldehyde [expressed as HCHO]: 50mg/l;
 - (viii) Phenolic compounds: 1.0mg/l;
 - (ix) Non-organic solids in suspension: 100mg/l;
 - (x) Chemical oxygen demand [COD]: 5 000mg/l;
 - (xi) All sugars and/or starches [expressed as glucose]: 1 500mg/l;
 - (xii) Available chlorine [expressed as Cl₂]: 100mg/l;
 - (xiii) Sulphates and sulphites [expressed as SO₄]: 1 800mg/l;
 - (xiv) Fluorine-containing compounds [expressed as F]: 5mg/l;
 - (xv) Anionic surface activators: 500mg/l;
 - (xvi) Orthophosphate [expressed as P]: 10mg/l.
- (b) **METALS**
- (i) Group 1:
 - (aa) Chromium [expressed as Cr];
 - (bb) Copper [expressed as Cu];
 - (cc) Nickel [expressed as Ni];
 - (dd) Zinc [expressed as Zn];
 - (ee) Silver [expressed as Ag];
 - (ff) Cobalt [expressed as Co];
 - (gg) Cadmium [expressed as Cd];
 - (hh) Manganese [expressed as Mn].

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 20mg/l, nor shall the concentration of any individual metal in any sample exceed 5mg/l.
 - (ii) Group 2:
 - (aa) Lead [expressed as Pb];
 - (bb) Selenium [expressed as Se];
 - (cc) Mercury [expresses as Hg].

The total collective concentration of all metals in Group 2 (expressed as indicated above), in any sample of the effluent shall not exceed 50mg/l, nor shall the concentration of any individual metal in any sample exceed 20mg/l.
 - (iii) Group 3:
 - (aa) Arsenic (expressed as As);
 - (bb) Boron (expresses as B).

The total collective concentration of the metals in Group 3 (expresses as indicated above) in any sample of the effluent shall not exceed 20mg/l.
- (c) **RADIO-ACTIVE WASTE:**
- Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department: Provided that, notwithstanding the requirements set out above in this Annexure, the Council reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises: Provided further that the method of testing in order to ascertain the concentration of any substance mentioned above shall be the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Annexure, may ascertain the details of the appropriate test from the Council.