

THABA MOFUTSANYANA DISTRICT MUNICIPALITY (QWAQWA TRANSITIONAL RURAL COUNCIL)

WATER SUPPLY BY-LAWS

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Water Supply By-laws as provided for in Section 21 of the Water Services Act, Act No 108, 1997.

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GENERAL

1. Definitions

(1) In these By-laws, unless the context otherwise indicates:-

“**Authorisation Committee**” means the body authorised to compile the schedule of approved pipes and fittings;

“**backflow**” means the flow of water in any pipe in a direction opposite to the normal direction of flow;

“**back siphonage**” means the backflow of water resulting from negative pressures in a water installation or in the water supply system;

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

“**capacity**” in relation to a storage tank means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;

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

“connection pipe” means a pipe, the ownership of which is vested in the Water Services Authority 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 SABS 0252 Part 1;

“customer” means any occupier of any premises to which the Water Services Authority has agreed to supply or is actually supplying water, or if there be no occupier, then any person who has entered into a current agreement with the Water Services Authority for the supply of water to such premises or, if there be no such person, then the owner of the premises; provided that where water is supplied through a single water meter to a number of occupiers, it shall mean the occupier, or person, to whom the Water Services Authority has agreed to supply water;

“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;

“fire installation” means a water installation which conveys potable water solely for the purpose of firefighting;

“fixed quantity water delivery system” means a water installation which delivers a fixed quantity of water to a customer in any single day;

“flat rate basis” means the payment of a monthly fixed prescribed charge by a customer to the Water Services Authority, irrespective of the quantity of water supplied to the customer;

“general installation” means a water installation which conveys potable water for a combination of domestic, commercial and industrial purposes;

“industrial purposes” in relation to the supply of water means water supplied to any premises which constitute a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

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

“main” means a pipe, other than a connection pipe, vesting in the Water Services Authority and used by it for the purpose of conveying water to customers;

“meter” means a water meter (conventional or prepaid meter) as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act 77 of 1973) or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it;

“Minister” means the Minister of Water Affairs and Forestry;

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“officer” means an employee of the Water Services Authority or any other person who is authorised by it to perform any act, function or duty in terms of, or exercise any power under these By-laws;

“operating water level” means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions;

“owner” means:-

- (a) the person in whom from time to time is vested the legal title to premises;
- (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 any case where the Water Services Authority 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:-
 - (1) 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
 - (2) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the law fully appointed agent of such a person;

“pollution” means the introduction into the water supply system, or a water installation, of any substance which can make the water harmful to health or impair its quality;

“pre-paid meter” means a water meter system controlled by an electronic device to allow a specific quantity of water, which has been paid for in advance, to flow through the metering system;

“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 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); or
- (c) any piece of land as described in Proclamation R293/ 1962 and any amendment thereto;
or
- (d) any piece of land situated in the rural area of which it is occupied for residential, professional, commercial, religious, missionary, educational or public purposes which ever the case may be, which are provided for by law, and which includes any building on such premises;

“prescribed” means prescribed by the Water Services Authority;

“prescribed charge” means a charge prescribed by the Water Services Authority;

“public notice” means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and where possible, the notice shall be

published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

“registered contractor” means a company registered by the SAQCC for the Water Supply Industry;

“registered person” means a person accepted by the Water Services Authority as being competent to issue the necessary certification;

“registered plumber” means a person registered by the SAQCC for the Water Supply Industry;

“SAQCC for the Water Supply Industry” means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;

“schedule of approved pipes and fitting” means the list of approved pipes and fittings compiled by the Authorisation Committee;

“service pipe” means a pipe which is part of a water installation and which connects with the connection pipe;

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

“water” means water which complies with the prescribed compulsory national standards, as rayed down by the Minister;

“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 Water Services Authority;

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

“Water Service Authority” means the QwaQwa Transitional Rural Council;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other appurtenances relating thereto which are vested in the Water Services Authority and are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

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

(2) Wherever in these By-laws a word or expression which is defined in the Water Services Act, but is not defined in these By-laws, is used, such word or expression shall bear the meaning ascribed to it in the Water Service Act.

2. Responsibility for compliance with these By-laws

Notice relating to a breach of these By-laws on premises shall be served:-

- (a) on the owner of the premises where matters relating to the water installation are involved; and
- (b) on the customer where matters relating to the use of a water installation are concerned.

3. Notices and document

- (1) A notice or document issued by the Water Services Authority in terms of these By-laws shall be deemed to be duly issued if it is signed by an officer.
- (2) If a notice or document is to be served on a person in terms of these By-laws such service shall be effected:-
 - (a) by delivering it to him or her personally or to his or her duly authorised agent;
 - (b) by delivering it at his or her residence or place of business or employment of a person apparently no less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, by delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, by delivering it to the address given by him or her in his or her application for a supply of water, for the reception of an account for water supplied;
 - (e) by registered or certified post addressed to his or her last known address;
 - (f) in the case of a body corporate, by delivering it at the registered office or business premises of such body corporate; or
 - (g) if service cannot be effected in terms of paragraphs (a) to (f) by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of receipt of such notice, such notice have been sent by certified mail.

4. Power to serve, and compliance with notice

- (1) The Water Services Authority may, by written notice, order a person who by act or omission commits a breach of these By-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice served on him or her by the Water Services Authority in terms of these By-laws within the specified period, it may take such action or do such work as in its opinion is necessary to ensure compliance, and recover the cost of such action or work from the person.

5. Interference with water supply system

- (1) No person other than an officer shall operate the water supply system or effect a connection to the water supply system.

6. Obstruction of access to water supply system

- (1) No person shall prevent or restrict physical access to the water supply system.
- (2) If a person contravenes subsection (1), the Water Services Authority may:-
 - (a) by written notice require such person to restore access at his or her 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.

7. Power of entry and inspection

- (1) An officer may for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given notice of the intention to do so, or in an emergency at any time, without prior notice, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation.
- (2) If the Water Service Authority considers it necessary that work be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may:-
 - (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
 - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is established, the Water Services Authority shall bear the expense connected therewith together with that of restoring the premises to their former condition.
- (4) If an officer requires the presence of:-
 - (a) an owner at an inspection of his or her water installation; or
 - (b) a registered plumber doing installation work at an inspection of such work; he or she may give such person written notice of not less than five working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

8. Offences

- (1) A person who:-
 - (a) fails or refuses to give access required by an officer in terms of Section 7(1);
 - (b) obstructs or hinders an officer in the exercise of his or her powers or performance of his or her functions or duties under these By-laws;
 - (c) fails or refuses to give an officer such information as he or she may reasonably require for the purpose of exercising his or her functions or duties under these By-

laws or who gives such officer false or misleading information knowing it to be false or misleading;

- (d) contravenes or fails to comply with a provision of these By-laws;
- (e) fails to comply with a condition or prohibition imposed in terms of these By-laws;
- (f) fails to comply with the terms of a notice served upon him or her in terms of these By-laws;

shall be guilty of an offence and subject to the penalties prescribed in the Water Services Act and to the amount prescribed by the Water Services Authority.

9. Relaxation or waiver

The Water Services Authority may, in a specific instance and for a particular owner or customer, relax or waive in writing the requirements of a provision of these By-laws upon such conditions as it may deem fit to impose, if it is of the opinion that the application or operation of that provision in that case would be unreasonable, provided that the Water Services Authority shall not waive any Section of these By-laws which could result in the following consequences:-

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) the endangering of public health or safety;
- (d) the non-payment for water or related service;

and provided further that any relaxation or waiver does not result in any standards prescribed in terms of the Water Services Act not being complied with.

MAKING APPLICATION

10. Unauthorised use of water

No person shall take water from the water supply system:-

- (a) until an agreement referred to in Section 11(2) or 12(1) has been concluded;
- (b) except through a connection pipe provided in terms of Section 17 or from a hydrant in terms of Section 23.

11. Application for supply of water

- (1) No person shall take or be supplied with water from the water supply system unless he or she has made application to the Water Services Authority on the prescribed form for a supply of water for a specific purpose and such application has been granted.
- (2) An application agreed to by the Water Services Authority shall constitute an agreement between the Water Services Authority and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (3) A customer shall be liable for all the prescribed charges in respect of a supply of water

granted to him or her until the agreement referred to in subsection (2) has been terminated in terms of Section 14.

- (4) In preparing an application form for the supply of water the Water Services Authority shall ensure that the document and the process of interaction with any person making application are understood by that person.

In the case of illiterate or similarly disadvantaged persons, the Water Services Authority shall ensure that the person is made fully aware of and understands the contents of the application form.

- (5) Such form shall require the following minimum information:-
- (a) certification by an officer that the applicant is aware of and understands the contents of the form;
 - (b) acceptance by the customer of the provisions of the water By-laws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
 - (c) name of customer;
 - (d) address of premises at which water is to be supplied;
 - (e) account address;
 - (f) the purpose for which water is to be used;
 - (g) whether a deposit may be needed and, if so, the manner in which it is refunded;
 - (h) the agreed date by which the service shall be provided.

12. Special agreements for supply of water

- (1) The Water Services Authority may enter into a special agreement for the supply of water to:-
- (a) an applicant inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in the prescribed form; and
 - (b) an applicant outside its area of jurisdiction, if such application has been approved by the Water Services Authority in which the applicant resides.
- (2) If the Water Services Authority, in terms of a special agreement, provides a supply of water to an applicant outside its area of jurisdiction, it may permit him or her to sell such water to other persons outside its area of jurisdiction, subject to the condition prescribed in Section 39(7).

13. Purpose of supply

Where the purpose for which water is used is changed, the customer shall enter into a new agreement as prescribed in Sections 11 and 12.

14. Termination of agreement for supply of water

- (1) A customer may terminate an agreement referred to in Section 11(2) by giving to the

Water Services Authority not less than five working days notice in writing of his or her intention to do so.

- (2) The Water Services Authority may, by notice in writing of not less than fourteen working days, advise a customer of its intention to terminate his or her agreement for supply of water if:-
 - (a) he or she has not consumed any water during the preceding six months or has not made arrangements satisfactory to it for the continuation of his or her agreement;
 - (b) he or she has committed a breach of these By-laws and has failed to rectify such breach;
 - (c) in terms of an arrangement made by it with another Water Services Authority supplying water, such authority has agreed to supply water to the customer.

In giving such notice, the Water Services Authority shall inform the customer of any right of appeal and the procedure to follow if he or she wishes to exercise such right.

- (3) The Water Services Authority may, after having given fourteen days notice in writing, terminate an agreement for a supply of water if a customer has vacated the premises to which such agreement relates.

15. Payment of deposit

- (1) The Water Services Authority may at any time require the customer to deposit a sum of money as a security to cover the estimated costs of the water to be consumed over a period of time and may also review from time to time the sum so deposited and require that the deposit be increased.
- (2) A deposit contemplated in subsection (1) shall accompany an application submitted in terms of Section 11(1) and on conclusion of an agreement contemplated in Section 12(1).
- (3) A deposit paid in terms of subsection (1) shall not be regarded as being in payment or part payment of an account due for the supply of water.
- (4) If, on the termination of an agreement in terms of Section 14, any amount is outstanding in respect of the supply of water to a customer, the Water Services Authority may apply the deposit in payment or part payment of the amount and refund any balance to the customer.
- (5) An agreement referred to in Section 11(2) or 12(1) may contain a condition that a deposit shall be forfeited to the Water Services Authority if it has not been claimed within 24 months after the termination of the agreement.
- (6) No interest shall accrue to the consumer in respect of the deposit.

GETTING CONNECTED

16. Provision of connection pipe

- (1) If an agreement for a supply of water 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 prescribed charge for the installation of such a pipe.

- (2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Water Services Authority may agree to the extension subject to such conditions as it may impose, including recovering the cost of such extension from the consumer concerned.

17. Connection pipes

- (1) A connection pipe provided and installed by the Water Services Authority shall:-
 - (a) be located in a position agreed to between the owner and the Water Services Authority, and be of a suitable size determined by the Water Services Authority;
 - (b) terminate at the boundary of the land owned by or vested in the Water Services Authority, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the property being supplied.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Water Services Authority shall ensure that the owner is aware of:-
 - (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Water Services Authority requires the owner to fix the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required for the Water Services Authority to connect to such installation.

18. Interconnection between premises

An owner of a premises shall ensure that no interconnection exists between the water installation on his or her premises and the water installation on other premises, unless he or she has obtained the prior written consent of the Water Services Authority and complies with any conditions that it may have imposed.

19. General conditions of supply

- (1) The granting of a supply of water by the Water Services Authority shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system:-
 - (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard of quality of the water;provided that, if the water supply is interrupted for more than 48 hours, then the Water Services Authority undertakes to provide an alternative supply of water to meet basic needs.
- (2) The Water Services Authority may, subject to the provisions of subsection (1)(b), specify the maximum height to which water will be supplied from the water supply system.

- (3) If an owner requires that any of the standards referred to in subsection (1) be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- (4) The Water Services Authority may, in an emergency interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Water Services Authority the consumption of water by a customer adversely affects the supply of water to another customer, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned customer in order to ensure a reasonable supply of water to the other customer.

20. Restriction or cutting-off of supply

- (1) Without prejudice to any other right it may have, the Water Services Authority may, if a customer has:-
 - (a) failed to pay a sum due to it in terms of these by laws; or
 - (b) committed a breach of these By-laws and has failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so;by giving fourteen days written notice to inform him or her of its intention to restrict or cut-off his or her supply of water on a specified date and it may on or after that date so cut-off or restrict such supply. In giving such notice the Water Services Authority shall inform the customer of any right of appeal and the procedure to follow if he or she wishes to exercise such right.
- (2) If in the opinion of the Water Services Authority such action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may:-
 - (a) without prior notice, cut off the supply of water to any premises; and
 - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- (3) The customer shall pay:-
 - (a) the prescribed charge for the restriction or cutting-off of his or her supply in terms of subsection (1) or (2); and
 - (b) the prescribed charge for restoration of the water supply;provided that, in the case of a restriction of supply in terms of subsection (i), both the prescribed charges required in terms of subsection (a) and (b) above shall be paid prior to the restoration of the water supply.
- (4) In providing written notice to a customer of its intention to restrict or cut off the water supply, the Water Services Authority shall advise the affected customer of any provisions which exist to enable such customer to pay any outstanding amount. Such provisions may include:-

- (a) the existence of an extended period over which the account may be paid, either with or without the payment of interest;
- (b) the giving of information and assistance on how to access grant finance or welfare payments;
- (c) the giving of the names of persons within the Water Services Authority to contact for information and advice;
- (d) the giving of information as to how to appeal against a decision to cut off or restrict the water supply.

21. Interruption of supply at customer's request

- (1) The Water Services Authority may, at the written request of a customer:-
 - (a) cut off the supply of water to his or her premises; and
 - (b) restore the supply;on the dates requested by him or her.
- (2) The customer shall prior to the restoration of his or her water supply pay the prescribed charge for the cutting off of his or her supply of water, and for its restoration.

22. Disconnection of water supply

The Water Services Authority may disconnect a water installation from the connection pipe and remove the connection pipe if:-

- (a) the agreement for supply has been terminated in terms of Section 14 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

23. Water supplied from Water Services Authorities hydrants

- (1) The Water Services Authority may permit a temporary supply of water to be taken from one or more fire hydrants specified by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in Section 11(1) and subject to such conditions as may be prescribed by the Water Services Authority on the prescribed form.

METERING

24. Metering of water supplied

- (1) All water supplied to a customer by the Water Services Authority, except where a flat rate basis payment system is being used, shall pass through a meter or other measuring device for the purpose of measuring the quantity of water consumed.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Water Services Authority, shall remain its property, and may be changed

by the Water Services Authority when deemed necessary by it.

- (3)
 - (a) The Water Services Authority may install the meter and its associated apparatus, serving a water installation at any point in the installation.
 - (b) If the Water Services Authority installs a meter in a water installation in terms of paragraph (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (4) If the Water Services Authority installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner shall:-
 - (a) provide a place satisfactory to the Water Services Authority 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 thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharge, from the pipe in which the meter is installed, in the course of work done by the Water Services Authority on the meter.
- (5) No person other than an officer shall:-
 - (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Water Services Authority has placed on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the Water Services Authority considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary at its own cost.
- (7) The Water Services Authority may require the installation, at the owner's expense, of a meter to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single meter may be used to supply more than one unit.

25. Quantity of water supplied to customer

- (1) For the purpose of assessing the quantity of water supplied through a meter to a customer over a specific period, it shall be deemed unless the contrary can be proved, that:-
 - (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;

- (b) the meter was registering correctly during such period; and
- (c) the entries in the records of the Water Services Authority were correctly made;

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

- (2) If a contravention of Section 24(5) occurs, the customer shall pay to the Water Services Authority the cost of such quantity of water as in its opinion was supplied to him or her.

26. Defective meters

- (1) If a customer has reason to believe that a meter, used for measuring water, which was supplied to him or her by the Water Services Authority is defective he or she may, against payment of the prescribed charge, make application in writing for the meter to be tested.
- (2) The prescribed charge referred to in subsection (1) shall be:-
 - (a) retained by the Water Services Authority if the meter is found in terms of subsection (3) or (4) not to be defective; or
 - (b) refunded to the applicant if the meter is found in terms of those subsection to be defective.
- (3) A meter to which the By-laws relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SABS 1529 Part 1, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100 mm diameter to which the specification referred to in subsection (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow:-
 - (a) 75% or more, of the design maximum flow;
 - (b) between 50% and 55% of the design maximum flow; and
 - (c) between 15% and 20% of the design maximum flow.

27. Special meter reading at request of customer

The Water Services Authority shall on receipt from the customer of written notice of not less than seven days and subject to payment of the prescribed charge, read a meter at a time or on a day other than that upon which it would normally be read.

28. Special metering

- (1) If the Water Services Authority wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may be written notice advise the owner concerned of its intention to install

a meter at such point in the water installation as it may specify.

- (2) The installation of a meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Water Services Authority.
- (3) the provision of Section 24(4) and 24(5) shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

PAYMENT

29. Payment for water supplied

- (1) All water supplied by the Water Services Authority shall be paid for by the customer at the prescribed charge for that particular category of use for which the supply was granted.
- (2) A customer shall pay on a flat rate basis or for all water supplied to him or her from the date of the agreement referred to in Section 11(2) or 12(1) until the date of termination thereof.
- (3) The Water Services Authority may estimate a quantity of water supplied in respect of a period or periods within the interval between actual successive readings of the meter, and may render an account to a customer for the quantity of water so estimated.
- (4) The amount of an account rendered for water supplied to a customer shall become payable on the due date stipulated in the account.
- (5) If a customer is dissatisfied with an account rendered for water supplied to him or her by the Water Services Authority, he or she may, prior to the due date stipulated therein, object in writing or be assisted by the Water Services Authority to object in writing, to the account, seeing out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a customer to defer payment except with the written consent of the Water Services Authority. The customer shall be provided with a written response by the Water Services Authority within 45 days of the receipt of the written objection.
- (6) If a customer uses potable water for a category of use other than that for which it is supplied by the Water Services Authority and is in consequence not charged for water so used, or is charged for the water at a rate lower than that at which he or she should be charged, he or she shall be liable for the amount due to the Water Services Authority in accordance with the prescribed charges in respect of:-
 - (a) the quantity of water which in the opinion of the Water Services Authority he or she has used and for which he or she has not been charged; or
 - (b) the difference between the cost of the water used by him or her at the rate at which he or she has been charged and the cost of the water at the rate at which he or she should have been charged.
- (7) No customer who is supplied with water in terms of these By-laws shall sell such water unless provision has been made thereof in a special agreement referred to in Section 12, or has obtained the prior written permission of the Water Services Authority to do so.

30. Amendments to prescribed charges for water supplied

If amendments to the prescribed charges for water supplied become operative on a date between meter readings, it shall be deemed, for the purpose of rendering an account in respect of the charges, that the same quantity of water was supplied in each period of twenty-four hours during the interval between the meter readings. The same principle shall be applied in the case of flat rate basis accounts.

31. Water accounts

- (1) The Water Services Authority shall show on each water account rendered to a customer, except in the case of a flat rate basis account, the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings, taken at the beginning and end of the account period, as well as the applicable tariff or tariffs and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.
- (2) When an estimated meter reading is used, the Water Services Authority must be able to provide a reason to the customer for doing so.
- (3) Where a flat rate basis account is rendered to a customer, the relevant dates as well as the total amount due in Rands shall be shown on the account.
- (4) Where pre-paid meters are used, no water account will be rendered.

32. No reduction of amount payable for water wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted in a water installation.

33. Charges other than for water consumed

The Water Services Authority may, in addition to charges authorised elsewhere in these By-laws, prescribe and levy any of the following charges:-

- (a) a charge payable by the customer in respect of each connection pipe or meter provided by the Water Services Authority to serve the premises occupied by him or her, whether or not water has been supplied to him or her, the charge being due from the date of the agreement referred to in Section 11(2) or 12(1). Such charge shall not be based on any quantity of water consumed;
- (b) a monthly charge payable by the owner in respect of premises which, in the opinion of the Water Service Authority, can reasonably be connected to the water supply system but is not so connected.

34. Adjustment of quantity of water supplied to customer through defective meter

- (1) If a meter is found to be defective in terms of subsection 26(3) or 26(4), the Water Services Authority may estimate the quantity of water supplied to the customer concerned during the period in which, in its opinion, such meter was defective on the basis of the average daily quantity of water supplied to him or her over:-
 - (a) a period between two successive meter readings subsequent to the replacement of the meter; or
 - (b) a period in the previous year corresponding to the period in which the meter was

defective; or

- (c) the period between three successive meter readings prior to the meter becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a customer during the period when his or her meter was defective cannot be estimated in terms of subsection (1), the Water Services Authority may estimate the quantity on any basis that is available to it.

POLLUTION OF WATER

35. Owner to prevent pollution of water

- (1) An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into:-
- (a) the water supply system; and
 - (b) any part of the water installation on his or her premises.
- (2) If a person contravenes subsection (1), the Water Services Authority may:-
- (a) by written notice require such person to take remedial steps to prevent pollution of the water in the water supply system or water installation on his or her premises within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a).

RESTRICTION ON THE USE OF WATER

36. Water restrictions

- (1) The Water Services Authority may by notice:-
- (a) prohibit or restrict the consumption of water:-
 - (i) for specified purposes or otherwise than for specified purposes;
 - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
 - (b) determine and impose:-
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subparagraph (i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restriction 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) Subject to the provisions of Section 11 of the Water Services Act, the Water Services Authority may limit the application of the provisions of a notice contemplated by subsections (1) to specified areas and classes of customers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions in terms of criteria specified in such notice.
- (3) The Water Services Authority may:-
 - (a) take, or by written notice require a customer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restriction 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) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off and reconnecting the supply has been paid.
- (4) The provisions of this clause shall also apply in respect of water supplied directly by the Water Services Authority to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

ENSURING WATER CONSERVATION

37. Waste 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;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water 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 Water Services Authority shall, by written notice, require the owner to comply with the provision of subsection (1).
- (4) If an owner fails to comply with the notice referred to in subsection (3), the Water Services Authority shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.

- (5)
- (a) Subject to the provisions of Section 11(4) of the Water Services Act, a customer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
 - (b) The Water Services Authority may, by written notice, prohibit the use by a customer of any equipment in a water installation if, in its opinion, its use of water is inefficient. In forming such an opinion the Water Services Authority shall compare the water usage of the device under consideration, with similar products in a good state of repair and shall also take into account national norms and standards relating to the performance of such a device.

MISCELLANEOUS

38. 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, (e.g. rivers and springs) excepting rain water tanks which are not connected to the water installation, except with the prior consent of the Water Services Authority 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 Water Services Authority with evidence satisfactory to it that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SABS Specification 241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985, 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 Water Services Authority:-
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) 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 Water Services Authority's sewerage system, the Water Services Authority 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.
- (5) The provisions of Section 24 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

39. Notification of boreholes

- (1) The Water Services Authority may, by public notice, require:-
 - (a) the owner of any premises within the area of jurisdiction of the Water Services Authority upon which a borehole exists, or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and

(b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

(2) The owner or occupier of any premises who intends to sink a borehole shall undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Water Services Authority, before sinking the borehole.

40. Sampling of water

(1) The Water Services Authority 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 Section 38(2).

(2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom consent to use the water was granted in terms of Section 38(1).

41. Supply of non-potable water by Water Services Authority

(1) The Water Services Authority may on application in terms of Section 11 agree to supply non-potable water to a customer, subject to such terms and conditions as the Water Services Authority may impose.

(2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of the Water Services Authority, may give rise to a health hazard.

42. Conditions of supply of non-potable water

(1) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Water Services Authority or its suitability for the purpose for which the supply was granted.

(2) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the customer, who shall be liable for any consequential damage or loss arising to himself; herself or others arising directly or indirectly therefrom, including the consequences of any *bona fide* fault of the Water Services Authority or the malfunction of a treatment plant.

43. Warning notices

(1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water therefrom is water unsuitable for domestic purposes.

(2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.

(3) Every warning notice prescribed in terms of subsection (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SABS 1186.

44. Testing of pressure in water supply systems

The Water Services Authority may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

45. 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, in or under street, public place or other land owned by, vested in, or under the control of any Water Services Authority, except with the prior written permission of that Water Services Authority and subject to such conditions as it may impose.