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Table of Contents

| | |
|--|----|
| City of Cape Town: Treated Effluent By-law, as amended | 4 |
| Chapter 1 Definitions and general provisions | 4 |
| 1. Definitions | 4 |
| 2. Application and purpose of this by-law | 7 |
| 3. Powers of the director: water and sanitation and the executive director: city health | 7 |
| 4. Appointment of authorised officials | 7 |
| 5. Delegation | 7 |
| 6. Health risks and situations that require immediate action | 7 |
| 7. Duties of the public | 8 |
| 8. Recovery of costs | 8 |
| 9. Compliance notices | 8 |
| 10. Responsibility for compliance with this by-law | 9 |
| Chapter 2 Provisions relating to the supply of treated effluent | 9 |
| 11. Unauthorised use of treated effluent | 10 |
| 12. Application for supply of treated effluent | 10 |
| 13. Agreements | 11 |
| 14. Pipes in streets or public places | 11 |
| 15. Termination of agreements | 11 |
| 16. Interference with the treated effluent supply system | 11 |
| 17. Obstruction of access to the treated effluent supply system | 11 |
| 18. Servitudes | 12 |
| 19. Interconnection between premises | 12 |
| 20. Provision and position of isolating valves | 12 |
| 21. Availability and assurance of supply | 12 |
| 22. Restriction or cutting-off of supply | 13 |
| 23. Metering of treated effluent supplied | 13 |
| 24. Quantity of treated effluent supplied | 14 |
| 25. Resale of treated effluent | 15 |
| 26. Estimation of quantity of treated effluent supplied to consumer through defective meter | 15 |
| 27. Special measurement | 16 |
| Chapter 3 General treated effluent installation requirements | 16 |
| 28. Provision and maintenance of treated effluent installations | 16 |

Table of Contents

| | |
|--|----|
| 29. Accepted pipes and treated effluent fittings | 16 |
| 30. Signage | 17 |
| 31. Design criteria for treated effluent installations | 17 |
| Chapter 4 Water quality | 19 |
| 32. Disclaimer in respect of treated effluent quality | 19 |
| 33. Regulations from the department of water affairs and forestry | 19 |
| Chapter 5 Health and hygiene | 19 |
| 34. Guide on permissible utilization and disposal of treated sewage effluent | 19 |
| Chapter 6 Plans approval procedure | 20 |
| 35. Plans approval procedure | 20 |
| Chapter 7 Installation by plumbers | 20 |
| 36. Persons permitted to do installation and other work | 20 |
| 37. Responsibilities of a property owner or consumer | 20 |
| Chapter 8 Good use practices | 21 |
| 38. Management | 21 |
| 39. Offences and penalties | 21 |
| 40. Indemnity | 21 |
| 41. Appeals | 21 |
| Schedule 1 | 23 |
| 1. The piping used for treated effluent must be orange to be identified from the piping used for drinking water in respect of colour. | 23 |
| 2. The taps, valves and sprayers of the irrigation system must be so designed that only authorised persons can open them or bring them into operation. | 23 |
| 3. bears the standardization mark of the SABS in respect of the relevant SANS specification issued by the Bureau; | 23 |
| 4. bears a certification mark issued by the SABS to certify that the pipe or treated effluent fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; | 23 |
| Schedule 2 | 25 |
| Schedule 3 | 27 |

City of Cape Town: Treated Effluent By-law, as amended

[Amended by City of Cape Town: Treated Effluent Amendment By-law, 2015 on 28 August 2015]

WHEREAS the Constitution empowers municipalities to make by-laws and to administer local government matters as listed in Part B of Schedule 4 and Part B of Schedule 5, read with section 156 of the Constitution;

WHEREAS the control of public nuisances is a local government matter as listed in Part B of Schedule 5 of the Constitution;

WHEREAS the City of Cape Town is a Water Services Authority, Water Services Institution and Water Services Provider in terms of the Water Services Act, 1997 (Act No. 108 of 1997);

AND WHEREAS the City of Cape Town seeks to enforce its powers of control over activities linked to the supply of water and the use and supply of treated effluent;

NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Chapter 1 Definitions and general provisions

1. Definitions

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

"agreement" means a signed contract agreement regarding the use and responsibilities of each party entered into between the City and a consumer;

"authorised official" means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;

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

"City" means the City of Cape Town, a municipality established by Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) or any structure or employee of the City acting in terms of delegated authority;

"consumer" means a person or user approved by the City to use treated effluent from any installation connected to a connection pipe which is supplied with treated effluent from a main;

"Council" means the Municipal Council of the City;

"Credit Control and Debt Collection By-Law", means the Credit Control and Debt Collection By-Law, adopted by the council and published in the Provincial Gazette;

"health nuisance" means a situation or state of affairs that endangers life or health or adversely affects the well-being or mental well-being of a person or community, or creates an environmental risk, and "health hazard" has a similar meaning;

"installation work" means work in respect of the construction of, or carried out on, a treated effluent installation; "meter" means a device which measures the quantity of treated effluent passing through it;

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

"owner" means —

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the City 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) the person who has purchased immovable property from the City, in terms of a scheme that allows for the purchase price to be paid in installments and who has not received transfer from the City;
- (f) in relation to—
 - (i) a piece of land delineated on a sectional plan registered in terms of the Section 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;

"person" includes a juristic person;

"pollution" means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful—
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or nonaquatic organisms; (iii) to the resource quality; or
 - (iii) to the resource quality; or
 - (iv) to property;

"public notice" means a notice published in a newspaper in the official languages in general use within the City ;

"publish" means—

- (a) to publish a notice in the Provincial Gazette,
- (b) to provide interested parties with copies of such publication, and
- (c) to post the notice so published on the notice boards of the City.

"prescribed charge" means a fee, charge or tariff determined and imposed by the Council in terms of the Tariff By-law;

"quality parameters" means the level of quality of chemical, physical and microbiological constituents in the water;

"SABS" means the South African Bureau of Standards referred to in the Standards Act, No. 29 of 1993;

"SANS" means the South African National Standards and is a standard which has been set and issued by the SABS in terms of the provisions of the Standards Act, No. 29 of 1993;

"storage tank" means a tank forming part of a treated effluent installation and used for the storage of treated effluent;

"Tariff By-law" means the Tariff By-law promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, or in terms of section 75A of that Act to levy and recover fees, charges or tariffs;

"treated effluent" means wastewater which has been treated;

"treated effluent installation" means the pipes and 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 treated effluent on such premises, and includes a pipe and a fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the City;

"treated effluent tracer" means any dye or chemical approved by the Director: Water and Sanitation to clearly colour the treated effluent "water services facility" means any land on

which there is infrastructure installed or used by the City or a catchment area in connection with the supply of treated effluent;

"**well point**" means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water.

2. Application and purpose of this by-law

- (1) This By-law binds all organs of state.
- (2) Any provision in any other by-law dealing specifically with treated effluent, is subject to the provisions of this By-law.
- (3) Unless the contrary is proved, a breach of this By-law committed on premises in respect of—
 - (a) the treated effluent installation shall be deemed to be a breach by the owner of premises and he or she can be held liable for all consequential damage; and
 - (b) the use of treated effluent from a treated effluent installation shall be deemed to a breach by the consumer.

3. Powers of the director: water and sanitation and the executive director: city health

[Section 3 repealed by amendment on 2015-08-28.]

4. Appointment of authorised officials

[Section 4 repealed by amendment on 2015-08-28.]

5. Delegation

[Section 5 repealed by amendment on 2015-08-28.]

6. Health risks and situations that require immediate action

- (1) The authorised official may, in cases of health risks or situations that require immediate action take any reasonable measures to prevent or eradicate such health risks or situations.
- (2) When a health risk or situation as contemplated in subsection (1) occurs on private property, the authorised official may—
 - (a) by written notice direct the owner or consumer to take such measures as may be deemed necessary to prevent or eradicate the health risk or situation; or

- (b) in the event that the owner or consumer cannot be found or the owner or consumer fails to immediately comply with the requirements of the authorised official, take such measures as may be deemed necessary to prevent or eradicate the health risk or situation.
- (3) In the event where the health risk emanates from a treated effluent installation the consumer supplied by such installation is liable for the costs incurred by the City.

7. Duties of the public

- (1) Every member of the public must, on becoming aware of any health risk or imminent situation that requires immediate attention or a situation that may give rise to pollution, immediately inform the authorised official who in turn must, in respect of emergencies relating to health hazards, inform the Executive Director: City Health.
- (2) Any person acting in terms of subsection (1) who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

8. Recovery of costs

- (1) Every person committing a breach of the provisions of this By-law is fully liable for the consequences of the breach and to compensate the City for any loss or damage suffered or sustained by it in consequence thereof.
- (2) The City may recover any costs reasonably incurred in taking any measures in terms of this By-law from any person who was under a legal obligation to take those measures, including—
 - (a) a person on whom a compliance notice was served;
 - (b) the owner of the premises concerned; or
 - (c) the consumer.
- (3) The City may issue a cost order requiring a person who is liable to pay costs incurred in terms of subsection (1) to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

9. Compliance notices

- (1) When an authorised official finds that a provision of this By-law is contravened or that a condition has arisen that has the potential to lead to a contravention of this By-law, such authorised official may issue a compliance notice to the consumer or owner concerned or person who is contravening the provisions of this By-law.
- (2) A notice issued in terms of subsection (1) must state —
 - (a) the provision of the By-law that is being contravened or will be contravened if th

- condition is allowed to continue;
- (b) the measures that must be taken to rectify the condition; and
 - (c) the time period in which the notice must be complied with.
- (3) If a person on whom notice was served in terms of subsection (2) fails to comply with the requirements of the notice, the City may take such steps as may be necessary to rectify the condition at the cost of the person responsible, or take any other action deemed necessary to ensure compliance, including the immediate discontinuation of water supply.
- (3A) A compliance notice is deemed to be sufficiently and effectively served on such person –
- (a) when it has been delivered to him or her personally;
 - (b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgement of the posting thereof is produced;
 - (d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or
 - (e) if his or her address or that of an agent in the Republic is unknown, when it has been posted in a conspicuous place on the immovable property to which it relates.
- (4) Any costs incurred by the City in the course of remedying the contravention as contemplated in subsection (3), may be recoverable in terms of the Credit Control and Debt Collection By-law of the City.

10. Responsibility for compliance with this by-law

The owner is responsible for ensuring compliance with this By-law and the National Water Act, 1998 (Act No.36 of 1998) in respect of all or any matters relating to –

- (a) the use of treated effluent;
- (b) treated effluent installations; and
- (c) the maintenance of treated effluent installations.

Chapter 2

Provisions relating to the supply of treated effluent

11. Unauthorised use of treated effluent

No person may use treated effluent from the treated effluent supply system—

- (a) unless an agreement referred to in section 13 has been concluded;
- (b) unless his or her potable water supply has a suitable backflow preventer to the satisfaction of the authorised official installed; or
- (c) except through a metered and backflow prevented treated effluent supply point specifically installed by the City for the supply of treated effluent.

12. Application for supply of treated effluent

- (1) Treated effluent from the treated effluent supply system of the City will not be supplied to any premises unless the consumer, with the consent of the owner, has applied to the City for a supply and such application has been agreed to, subject to such conditions as may be imposed by the authorised official.
- (2) The consumer is liable for all the fees in respect of the supply of treated effluent, determined in terms of the Tariff By-law, until the supply has been interrupted at the request of the consumer or the agreement has been terminated in accordance with this By-law.
- (3) An application must contain at least the following information -
 - (a) a declaration that the applicant is aware of and understands the contents of the agreement;
 - (b) acceptance of liability in terms of this By-law for the cost of the supply of treated effluent until the agreement is terminated;
 - (c) the name of the applicant and his or her identity number;
 - (d) the address or erf number of the premises to or on which treated effluent is to be supplied;
 - (e) the address where accounts must be sent;
 - (f) the purpose for which the treated effluent is to be used;
 - (g) the agreed date on which the supply of treated effluent will commence;
 - (h) the plumbing layout; and
 - (i) an undertaking by the applicant to inform the City of any change in regard to the provisions of (a) to (h).
- (4) Where the purpose for, or extent to which, the treated effluent applied for in subsection (3)(f) is changed, the consumer must promptly in addition to advising the City of the change, enter into a new agreement with the City.

- (5) Treated effluent may only be supplied where reticulation exists.

13. Agreements

- (1) All consumers of treated effluent are required to enter into an agreement with the City subject to the provisions of this By-law.
- (2) The agreement contemplated in subsection (1) must include all the information referred to in section 12(3)(a) to (i).

14. Pipes in streets or public places

No person may for the purpose of conveying treated effluent derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of the City, except with the prior written permission of the authorised official and subject to such conditions as he or she may impose.

15. Termination of agreements

- (1) A consumer may terminate an agreement for the provision of treated effluent by giving the City not less than seven days' notice in writing of his or her intention to do so.
- (2) The authorised official may, by notice in writing of not less than fourteen days, advise a consumer of the termination of his or her agreement for the supply of treated effluent —
- (a) where the agreement has expired, that he or she has not made arrangements to the satisfaction of the Director: Water and Sanitation for the continuation of the agreement, or
 - (b) where he or she has failed to comply with the provisions of this By-law or has failed to rectify such failure following the issue of a compliance notice; or
 - (c) where he or she has failed to pay any fees due and payable in terms of the Tariff By-law.
- (3) The City may terminate an agreement for the supply of treated effluent if the premises to which such agreement relates have been vacated.

16. Interference with the treated effluent supply system

No person other than the City may effect a connection to the treated effluent system of the City.

17. Obstruction of access to the treated effluent supply system

No person may prevent or restrict the access of officials of the City to the treated effluent system.

18. Servitudes

The consumer is responsible for obtaining at his or her cost, such servitudes over other property as may be necessary for the treated effluent system.

19. Interconnection between premises

A consumer must ensure that no interconnection exists between the treated effluent installation on the premises and the treated effluent installation on other premises, unless the consumer has obtained the prior written consent of the authorised official and has complied with any conditions imposed by him or her.

20. Provision and position of isolating valves

- (1) The authorised official must install an isolating valve between every meter and the main.
- (2) The consumer must, at own expense, and for his or her exclusive use, provide and install an isolating valve—
 - (a) in the case of a meter installed on the premises, at a suitable point on his or her side of the meter;
 - (b) in the case of a meter installed outside the premises, at a suitable point immediately inside the boundary of his or her premises, provided that the authorised official may, on failure of the consumer and at the consumer's expense, provide and so install an isolating valve.
- (3) No person may without the approval of the City tamper with the isolating valve between the meter and the main.

21. Availability and assurance of supply

- (1) The supply of treated effluent by the City does not constitute an undertaking to maintain at any time or at any point in its treated effluent 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.
- (2) If a consumer requires an uninterrupted supply, a specific pressure or rate of flow or a specific standard of quality of water on the premises, the consumer must make his or her own arrangements for compliance with such requirements.

- (3) The City may, for the purpose of this By-law, interrupt the supply of treated effluent without prior notice.
- (4) If the consumption of treated effluent on a premises adversely affects the supply of treated effluent to another premises, the authorised official may apply such restrictions as he or she may deem fit to the supply of treated effluent to the first-mentioned premises in order to ensure a reasonable supply of treated effluent to the other premises, and must inform the consumer of the first mentioned premises of such restrictions.

22. Restriction or cutting-off of supply

- (1) Subject to any other right the City may have, the authorised official may, if a consumer has failed to pay a sum due in terms of the Tariff By-law, by written notice inform him or her of the intention to restrict or cut off the supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (2) Subject to any other right the City may have, the authorised official may by written notice, if a consumer has contravened this By-law and has failed to rectify such contravention within the period specified in a written notice served on him or her requiring him or her to do so, inform him or her of the intention to restrict or cut off his supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (3) The consumer or the owner must pay the fees for the cutting-off of supply and restoration of the treated effluent supply in terms of the Tariff By-law: Provided that all such fees are paid prior to the restoration of the treated effluent supply.
- (4) A consumer whose access to treated effluent has been restricted or disconnected, who unlawfully reconnects it, must be disconnected.

23. Metering of treated effluent supplied

- (1) Treated effluent supplied to premises must pass through a meter, installed in a position determined by the authorised official.
- (2) A meter and its associated apparatus is provided and installed by the City, remains its property, and may be replaced or removed when deemed necessary by the Director: Water and Sanitation.
- (3) If the City installs a meter together with its associated apparatus in a treated effluent installation the consumer—
 - (a) must provide an installation point approved by the authorised official;
 - (b) must ensure that unrestricted access is available to it at all times;
 - (c) is responsible for its protection when situated inside the property and liable for t

- costs arising from damage thereto excluding damages arising from normal fair wear and tear;
- (d) must ensure that no connection is made to the pipe in which the meter is installed between the meter and the main;
 - (e) must make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of work done by the City on the meter; and
 - (f) may not use, nor permit to be used, on any treated effluent installation, any fitting machine or appliance which causes damage or is likely to cause damage to the treated effluent supply system inclusive of the meter.
- (4) Only the City may—
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (5) Any person contravening subsection (4) must pay the City the cost of such quantity of treated effluent as was supplied.
- (6) An occupier of a premises must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated fittings, inform the City.
- (7) If access to a meter is denied for reading purposes, the authorised official may—
- (a) upon written notice to the consumer on the premises, inform him or her of the intention to install at the consumer's cost, another meter;
 - (b) render an account for the quantity of treated effluent consumed at such premise as measured on the meter installed.
- (8) The owner of the premises is liable for all costs of the treated effluent supply system and apparatus inclusive of the meter where damaged as a result of negligence or installation of incorrect fittings or appliances.

24. Quantity of treated effluent supplied

For the purpose of assessing the quantity of treated effluent supplied through a meter over a specific period, it must 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 City were correctly made;

provided that if treated effluent is supplied or taken without its passing through a meter where tampering has occurred, the estimate by the authorised official of the quantity of such treated effluent shall be deemed to be correct.

25. Resale of treated effluent

- (1) No person who is supplied with treated effluent in terms of this By-law may sell such treated effluent unless—
- (a) provision has been made therefore in an agreement referred to in section 13; or
 - (b) he or she has obtained the prior written permission of the authorised official.
- (2) If the authorised official grants the permission referred to in subsection (1)(b), he or she may stipulate the maximum price, determined by Council, at which the treated effluent may be sold and impose such other conditions as he or she may deem fit.
- (3) Permission referred to in subsection (1)(b) may, due to failure to comply with the conditions imposed by the authorised official, be withdrawn at any time.

26. Estimation of quantity of treated effluent supplied to consumer through defective meter

- (1) If a meter is found to be defective, the authorised official may estimate the quantity of treated effluent supplied to the consumer concerned during the period in which such meter was defective, on the basis of the average daily quantity of treated effluent supplied 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 the authorised official considers the most appropriate.
- (2) If the quantity of treated effluent supplied to a consumer during the period when the meter was defective cannot be estimated in terms of subsection (1), the authorised official may estimate the quantity on any basis that is available.
- (3) The consumer must be informed of the method used by the authorised official to estimate the quantity of treated effluent supplied to him or her, as contemplated in subsection (1) and (2).

27. Special measurement

- (1) If the authorised official requires, for purposes other than charging for treated effluent consumed, to ascertain the quantity of treated effluent which is used in a part of a treated effluent installation, may, by written notice, advise the consumer concerned of his or her intention to install a measuring device at any point in the treated effluent installation that he or she may specify.
- (2) The installation and removal of a measuring device referred to in subsection (1) will be carried out at the expense of the City.
- (3) The provisions of sections 23(3) (b) and 24(b) apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).
- (4) The City may on receipt of a written notice from the consumer and subject to arrangement of payment of the relevant prescribed charge for water meters, read the meter to ascertain the quantity of treated effluent supplied at a time, or on a day, other than upon which the meter would normally be read.

Chapter 3

General treated effluent installation requirements

28. Provision and maintenance of treated effluent installations

- (1) A consumer must provide and maintain the treated effluent installation at own cost and, except—
 - (a) in the case of a connection to a communication pipe; or
 - (b) where permitted in terms of section 14, and must ensure that the installation is within the boundary of the premises.
- (2) Before work is commenced in connection with the maintenance of a portion of the treated effluent installation which is situated outside the boundary of the premises, a consumer must obtain the written consent of the authorised official or the owner of the land on which such portion is situated, as the case may be.

29. Accepted pipes and treated effluent fittings

- (1) No person may install or use a pipe or treated effluent fitting in a treated effluent installation unless it complies with Schedule 1.
- (2) Notwithstanding the provision of subsection (1), the authorised official may for a specific use in a specific installation, permit the installation or use of a pipe or treated effluent fitting which is not included in Schedule 1.
- (3) The authorised official may, in respect of any pipe or treated effluent fitting included in

Schedule 1, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.

- (4) The authorised official may at any time remove a pipe or treated effluent fitting from Schedule 1 if the pipe or treated effluent fitting no longer suitable for the purpose for which its use was accepted or included.

30. Signage

- (1) An owner of premises on which treated effluent is used, must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.
- (2) In an area where treated effluent is used, the consumer shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) must be in the three official languages used in the City. (4) Signage must comply with the minimum standard set in the signage of the City as contained in Schedule 2.
- (4) Signage must comply with the minimum standard set in the signage of the City as contained in Schedule 2.
- (5) Prominent notices indicating that treated effluent is being used is to be erected in a position clearly visible from a public thoroughfare, at positions determined by the City.
- (6) The authorised official may subject to national legislation or any other law substitute Schedule 2 to this By-law and issue revised or new signage applicable in terms of this section.

31. Design criteria for treated effluent installations

- (1) A consumer must ensure that—
 - (a) treated effluent installations comply with SANS 10252: 2004 Part 1, or as it may amended; and
 - (b) no interconnection between treated effluent and potable water supplies exist.
- (3) If a pipe or treated effluent fitting of a particular type is unsuitable for use in a particular situation or any connection between treated effluent and potable water supplies are made, the authorised official may by written notice to the owner—
 - (a) prohibit the use thereof; or
 - (b) require acceptable protective measures to be applied.
- (4) No person may connect to a treated effluent installation a treated effluent fitting or

apparatus which causes or is likely to cause damage to the treated effluent supply system or another water installation as a result of pressure surges.

- (5) Premises that require feeds from both the treated effluent and potable supply schemes must comply with the following minimum standard:
- (a) Where both treated effluent and potable supply is to feed into a storage tank with separate lines without connection,—
 - (i) the feeds should be into the top of such a storage tank and close with manual or float ball valves;
 - (ii) the potable supply pipe must pass over the rim of the tank, not through the sidewall and end at least 100mm above the top of the maximum possible water level in the tank to ensure an air gap is always present and no feedback is possible; and
 - (iii) distribution from the tank can then take place with a pump or other reticulation system.
 - (b) Feed into an irrigation system or other distribution may take place through a switchover chamber that allows only one connection at a time through a flexible hose installation.
 - (c) The flexible hose installation referred to in paragraph (b) shall include the following safety systems:
 - (i) the connection of the flexible hose to the discharge or downstream side shall be fixed and unremovable;
 - (ii) a vacuum break air valve shall be installed on the discharge or downstream side; and
 - (iii) the covers to the chamber shall be lockable for controlled access.
- (6) The connection details of the chosen standard as described in subsection (5) must be submitted to the Director: Water and Sanitation for approval and the approved copy will form part of the signed agreement in section 13.
- (7) Any consumer with both a treated effluent and a potable water supply on the premises, must install a Reduced Pressure Zone Backflow Preventer (RPZ) in accordance with SANS 10252-1: 2004 Part 1 in all the potable water supply points entering the premises, downstream of his or her isolating valve which is situated downstream of the water meter.
- (8) The treated effluent tracer of the City with text and SABS non-potable sign must be installed—
- (a) for the full length of all pipelines, including all distribution lines within the property;
 - (b) directly over the pipeline; and

- (c) at a depth not greater than 500 mm below ground level.
- (9) All pipelines must be painted orange and suitably designated.

Chapter 4

Water quality

32. Disclaimer in respect of treated effluent quality

- (1) The City does not warrant, expressly or impliedly, the purity of any treated effluent supplied by it or its suitability for the purpose for which the supply was granted.
- (2) The quality of the treated effluent may vary and the consumer must take this into account.
- (3) The use of treated effluent is entirely at the risk of the consumer and the City is not liable for any consequential damage or loss arising directly or indirectly therefrom.
- (4) A consumer that uses treated effluent for irrigation purposes is responsible for monitoring the quality of the treated effluent and to ensure that reports of such monitoring are made immediately available to and on request by an authorised official.
- (5) Should a consumer require a different quality status or parameter analysis of treated effluent to what is supplied to him or her or conducted on the effluent, the onus is on such consumer to, at his or her own cost, cause the effluent to be improved or analyzed to meet his or her needs.

33. Regulations from the department of water affairs and forestry

[Section 33 repealed by amendment on 2015-08-28.]

Chapter 5

Health and hygiene

34. Guide on permissible utilization and disposal of treated sewage effluent

[Section 34 repealed by amendment on 2015-08-28.]

Chapter 6

Plans approval procedure

35. Plans approval procedure

If a consumer wishes to install a new treated effluent installation, he or she must, in terms of applicable legislation, first obtain the written approval of the building plan for such installation.

Chapter 7

Installation by plumbers

36. Persons permitted to do installation and other work

- (1) No person, who is not qualified and accredited in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995) may do installation work for which approval is required in terms of section 35;
- (2) The authorised official may maintain a register of such qualified plumbers.

37. Responsibilities of a property owner or consumer

- (1) A property owner or consumer must ensure that the installation work done on his or her premises is carried out by a qualified plumber and complies with this By-law.
- (2) If installation work is being done in contravention of section 36, the authorised official may by written notice require the owner of the premises concerned to cease such work until he or she has employed a qualified plumber to—
 - (a) inspect such work and rectify any part of it which does not comply with this By-law; and
 - (b) ensure that a certificate of compliance stating that the work carried out complies with this By-law is submitted to the authorised official.

Chapter 8

Good use practices

38. Management

A consumer should assign the responsibility for the use of treated effluent to a person suitably qualified to manage use of treated effluent.

39. Offences and penalties

- (1) Any person who—
- (a) contravenes any provision of this By-law;
 - (b) fails to comply with the terms of any notice issued in terms of this By-law;
 - (c) threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at a councilor or an employee or contractor of the Council in the exercise of any powers or performance of any duties or function in terms of this By-law, or falsely holds himself or herself to be a councilor or an employee or a contractor of the Council,

shall be guilty of an offence and be liable, on conviction, to a term of imprisonment or a fine or to both such imprisonment and such a fine.

40. Indemnity

The Council shall not be liable for any damages or compensation arising from anything done in good faith in the course of implementation of this By-law.

41. Appeals

A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated in terms of this By-law, may appeal against that decision in accordance with section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

Schedule 1

Accepted Pipes and Fittings

- 1. The piping used for treated effluent must be orange to be identified from the piping used for drinking water in respect of colour.**
- 2. The taps, valves and sprayers of the irrigation system must be so designed that only authorised persons can open them or bring them into operation.**
- 3. bears the standardization mark of the SABS in respect of the relevant SANS specification issued by the Bureau;**
- 4. bears a certification mark issued by the SABS to certify that the pipe or treated effluent fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years;**

Schedule 2

Signage

This schedule contains images which are not available in this format. Please see the original enacted PDF.

Schedule 3

Guide: Permissible utilization and disposal of treated sewage effluent

[Schedule 3 repealed by amendment on 2015-08-28.]