

eThekweni, South Africa

## Sewage Disposal

Legislation as at 1 December 2016

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# eThekweni South Africa

## Sewage Disposal By-law, 2016

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**Commenced on 1 December 2016**

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and includes any amendments published up to 9 May 2024.]*

To provide for efficient, affordable, economical and sustainable access to sanitation and sewage services; to provide for different mechanisms of sanitation; to provide for the management and regulation of sewage; to provide assistance to those who cannot afford to pay for sanitation and sewage services; to provide offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

WHEREAS the eThekweni Municipal Council recognises that effective and sustainable sanitation and sewage services are essential to community life, business and the environment;

WHEREAS the Water Services Act establishes the Municipality as a water services authority and the Municipality's Water and Sanitation Unit as a water supply services provider for the Municipality's area of jurisdiction;

WHEREAS the eThekweni Municipal Council recognises that, as a water services authority, it has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to basic sanitation services;

WHEREAS the eThekweni Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as sanitation services;

WHEREAS the eThekweni Municipal Council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS the eThekweni Municipality has a duty to make By-laws for the provision of water services in terms of section 21 of the Water Services Act;

NOW THEREFORE the eThekweni Municipal Council, acting in terms of section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 and read with section 11 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), hereby makes the following By-law:

### Chapter 1 Interpretation

#### 1. Definitions

In this By-law, unless the context indicates otherwise, any word or expression used has the meaning ascribed to it by the National Building Regulations and Standards Act, 1977 ([Act No. 103 of 1977](#)), and–

"**approved**" means approved by an authorised official;

"**authorised official**" means a person authorised to implement the provisions of this By-law, including but not limited to–

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 ([Act No. 51 of 1977](#));

- (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 ([Act No. 68 of 1995](#)); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**"best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost deemed to be acceptable to society by the Municipality, in the long term as well as in the short term;

**"borehole"** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water;

**"chemical toilet"** means a toilet which uses chemicals to deodorize waste instead of storing it in a hole or piping it away to a sewage treatment plant where the effluent is fit to be disposed of at a municipal wastewater treatment works through a discharge point designed at the facility;

**"connecting point"** means the point at which a drainage installation joins a connecting sewer;

**"connecting sewer"** means a pipe owned and installed by the Municipality for the purpose of conveying sewage from a drainage installation on a premises to a sewer–

- (a) beyond the boundary of those premises;
- (b) within a servitude area; or
- (c) within an area covered by a wayleave or by agreement;

**"conservancy tank"** means a sealed tank that contains and stores sewage from premises and is required to be emptied on a regular basis;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Council"** means the eThekweni Municipal Council, a municipal council referred to in section 157(1) of the Constitution;

**"customer"** means–

- (a) a person who is supplied with water by the Municipality; and
- (b) where water is supplied through a single water meter to a number of persons, the person to whom the Municipality has agreed to supply water;

**"drain"** means that portion of the drainage installation which conveys sewage within any premises;

**"drainage installation"** means a system which is used for, or intended to be used for or in connection with, the reception, storage, treatment or conveyance of sewage on any premises to the connecting point and includes–

- (a) drains;
- (b) fittings;
- (c) appliances;
- (d) septic tanks;
- (e) conservancy tanks;
- (f) pit latrines; and
- (g) private pumping installations forming part of, or ancillary to, such systems;

"**duly qualified sampler**" means a person who has been certified by a suitably competent municipal employee to take samples for analysis from the sewage systems, the stormwater disposal systems and from public waters;

"**environmental cost**" means the full cost of all measures necessary to restore the environment to its condition prior to a damaging incident;

"**environmental impact assessment**" means the process of identifying and evaluating the effects of development proposals on the environment before decisions and commitments are made toward that development;

"**high strength sewage**" means sewage with a strength or quality greater than standard domestic effluent;

"**French drain**" means a trench filled with suitable material which is used for the disposal of–

- (a) liquid effluent from a septic tank; or
- (b) wastewater;

"**metering period**" means the time interval between successive meter readings;

"**Municipal Manager**" means a person appointed in terms of section 54A of the Municipal Systems Act;

"**Municipality**" means the eThekweni Municipality, a category A Municipality as envisaged in terms of section 155(1) of the Constitution and established in terms of Provincial Notice No. 343 of 2000 (KZN);

"**National Building Regulations**" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 ([Act No. 103 of 1977](#));

"**National Water Act**" means the National Water Act, 1998 ([Act 36 of 1998](#));

"**occupier**" means–

- (a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and
- (b) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

"**on-site privately-owned sewage disposal system**" means either a septic tank, a conservancy tank system or a low-volume sewage treatment plant owned by the owner of the premises on which it is situated;

"**owner**" means–

- (a) the person who is the registered owner of the premises in the relevant Deeds Office;
- (b) where the registered owner of the premises is insolvent or dead or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises;
- (d) where the premises concerned have been leased for a period of 30 years or longer, the lessee of the premises; or
- (e) in relation to –
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 ([Act No. 95 of 1986](#)) as common property, the developer or the body corporate in respect of the common property; or

- (ii) a section as defined in the Sectional Titles Act, 1986 ([Act No. 95 of 1986](#)), the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of a person;

"**person**" means any natural person, juristic person, voluntary association or the trustees of any trust;

"**premises**" means any piece of land, with or without any building or structure thereon where–

- (a) , the external surface boundaries of which are delineated on#
  - (i) a general plan or diagram registered in terms of the Land Survey Act, 1927 ([Act No. 9 of 1927](#)), or in terms of the Deeds Registry Act, 1937 ([Act No. 47 of 1937](#)); or
  - (ii) a sectional plan registered in terms of the Section Titles Act, 1986 ([Act No. 95 of 1986](#));
- (b) there is an official document in respect of rural land or Ingonyama Trust land, which is situated within the area of jurisdiction of the Municipality; or
- (c) a municipal service is rendered on land which is not specified on a plan, and a portion of such land which is not so delineated but which is connected to the sewage system or is capable of being so connected;

"**prescribed**" means as determined by resolution of the Council from time to time;

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

"**septic tank**" means a tank designed to receive and retain sewage for such a time and in such a manner as to ensure adequate decomposition;

"**sewage**" means waste water, trade effluent, standard domestic effluent and other liquid waste, either separately or in combination, but excludes stormwater;

"**Sewage Disposal By-laws of 1999**" means the Durban Transitional Metropolitan Council Sewage Disposal By-law, MN No. 27 of 1999;

"**sewage disposal system**" means the structures, pipes, valves, pumps, meters or other associated items used in–

- (a) conveying sewage through the sewer reticulation system;
- (b) treating sewage at the treatment works under the control of the Municipality; and
- (c) the disposal of sewage, including sea outfalls;

"**sewer**" means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for conveying sewage from the connecting sewer, but excludes any drain;

"**standard domestic effluent**" means domestic effluent which meets strength characteristics relating to chemical oxygen demand and settleable solids as prescribed by the Municipality from time to time as being appropriate to sewage discharges from domestic premises, but excludes trade effluent;

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

"**trade effluent**" means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory research or agricultural activity, and includes any liquid other than standard domestic effluent or stormwater;

"**trade premises**" means premises upon which trade effluent is produced;

"**urine diversion toilet**" means a toilet which–

- (a) separates urine and faecal matter through the use of a special pedestal and separate urinal to divert urine to soak away in order that only faecal matter collects in the pit; and
- (b) consists of–
  - (i) two pits;
  - (ii) a cover slab;
  - (iii) a superstructure; and
  - (iv) a vent pipe to each pit;

"**VIP**" means a ventilated improved pit latrine;

"**Water Services Act**" means the Water Services Act, 1997 ([Act 108 of 1997](#));

"**working day**" means a day other than a Saturday, Sunday or public holiday.

"**1 in 50 year flood level**" means that level reached by flood waters resulting from a storm of a frequency of one in 50 years; and

"**1 in 50 year flood plain**" means the area subject to inundation by flood waters from a storm of a frequency of one in 50 years;

## 2. Interpretation of By-law

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

## 3. Objects of By-law

The object of this By-law is to regulate sewage disposal in a manner which–

- (a) progressively ensures efficient, affordable, economical and sustainable access to sanitation and sewage services;
- (b) regulates the duty of customers to pay for sanitation and sewage services;
- (c) provides various measures to assist those who are economically unable to meet normal service charges; and
- (d) complies with the Water Services Act.

## 4. Application of By-law

This By-law applies to all areas which fall under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

# Chapter 2 General provisions

## 5. Provision of services to trade premises

A person who wants to construct or cause to be constructed any building or development must, when undertaking an environmental impact assessment, ensure that provision is made for the treatment and disposal of domestic sewage, trade effluent and stormwater.

## 6. Objectionable discharge

- (1) A person may not cause or permit, whether wilfully or negligently, any solid, liquid or gaseous substance other than stormwater to enter any–
  - (a) stormwater drain, stormwater sewer or excavated or constructed watercourse;
  - (b) river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act, 1998 ([Act No. 36 of 1998](#));
  - (c) street; or
  - (d) premises.
- (2) The Municipality may prescribe the minimum standards and criteria dealing with the discharge of sewage or any substance into the sewage disposal system.
- (3) A person may not discharge or permit the discharge or entry into the sewage disposal system of any sewage or other substance–
  - (a) which does not comply with the standards and criteria prescribed by the Municipality;
  - (b) which–
    - (i) is offensive;
    - (ii) has an odour;
    - (iii) has fats;
    - (iv) has excessive foam; or
    - (v) has colour dyes, and may cause an obstruction or public health nuisance in the inflow of any treatment works;
  - (c) which contains any substance in such concentration as will produce or is likely to produce any offensive or otherwise undesirable taste, colour, odour, obstruction or any foam in the final treated effluent–
    - (i) at any treatment works;
    - (ii) at any sea outfall discharge point; or
    - (iii) in any public water;
  - (d) which may prejudice the re-use of treated sewage or adversely affect any of the processes by which sewage is purified for re-use or treated to produce sludge for disposal;
  - (e) which contains any substance or thing which–
    - (i) is not amenable to treatment to a satisfactory degree at a treatment works; or
    - (ii) causes or is likely to cause a breakdown, pass-through or inhibition of the treatment processes in use at such works with the exception of an electrical conductivity below 95mS/m at the head of the treatment works;
  - (f) which contains any C.O.D, substance or thing which is of such strength or nature, or which is amenable to treatment only to a limited degree, and will result in effluent from the treatment works or discharge from a sea outfall being unable to comply satisfactorily with any requirements of or under the National Water Act;
  - (g) which may–
    - (i) cause danger to the health or safety of any person;

- (ii) be injurious to the structure or materials of the sewage disposal system; or
  - (iii) prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with any permission issued in terms of this By-law; or
  - (h) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (4) No trade effluent may be allowed to enter a septic tank or a French drain.
  - (5) A person may not cause or permit any stormwater to enter the sewage disposal system.
  - (6) An authorised official may, by written notice, order the owner or occupier of any premises to conduct, at his or her own cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this By-law and to report such findings to an authorised official.
  - (7) An authorised official may by written notice order the owner or occupier of any premises to execute, at his or her own cost, any precautionary measures required by the Municipality to prevent any contravention of the provisions of this By-law.
  - (8) An authorised official may, by written notice, order a person who breaches this By-law or condition imposed in terms of this By-law to remedy such breach within a period specified in the notice at the persons own cost.
  - (9) If any person contravenes any provision of subsection (1) or (3), he or she must within 12 hours advise an authorised official of the details of the contravention and the reasons for it.

### **Chapter 3**

#### **Use of sewage disposal system**

#### **7. Agreement to provide services**

Subject to any applicable law an authorised official may enter into an agreement with any person on behalf of the Municipality to provide a sewage disposal service.

#### **8. Application for use of sewage disposal system**

- (1) A person wishing to use the sewage disposal system must make application to the Municipality in the form required, accompanied by such information as the Municipality may require from time to time.
- (2) An application for the use of the sewage disposal system which has been granted by the Municipality constitutes an agreement between the Municipality and the customer.
- (3) The owner is liable for all the prescribed fees in respect of the use of the sewage disposal system granted to him or her until the agreement between the Municipality and the owner is terminated.
- (4) Where premises have been connected to the sewage disposal system, or are reasonably capable of being so connected, it must be deemed for the purpose of this By-law that an agreement in terms of subsection (1) exists.

#### **9. Special agreements for disposal of sewage**

- (1) The Municipality may enter into a special agreement for the disposal of sewage with a person–
  - (a) inside the area of jurisdiction of the Municipality, if the disposal necessitates the imposition of conditions not contained in this By-law; or

- (b) outside the area of jurisdiction of the Municipality.
- (2) A special agreement must be subject to any resolution passed by an authorised official.
- (3) If the Municipality, in terms of a special agreement, provides a means of disposal of sewage to a person outside the area of jurisdiction of the Municipality, it may permit him or her to accept sewage for eventual disposal by the Municipality from other persons outside the area of jurisdiction of the Municipality, subject to such conditions as the Municipality deems fit.

## 10. Termination of agreement

A person may terminate an agreement referred to in section 8 or 9 by giving the Municipality not less than five working days' notice in writing of his or her intention to do so: Provided that the authorised official is satisfied with the manner in which sewage arising from the premises will be disposed of on the termination of the contract.

## 11. Provision of connecting sewer

- (1) In the event that–
  - (a) an agreement for the use of the sewage disposal system in accordance with section 8 or 9 exists; and
  - (b) no connecting sewer exists in respect of the premises, the owner or his or her agent must immediately make application on the prescribed form and pay the prescribed charge for the installation of a connecting sewer.
- (2) If an application is made for use of the sewage disposal system for premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.
- (3) An authorised official may agree, at the request of any person and subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises: Provided that the applicant must be responsible for–
  - (a) any extension of the drainage installation to the connecting point designated by an authorised official; and
  - (b) obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) A connecting sewer provided and installed by the Municipality must–
  - (a) be located in a position determined by an authorised official;
  - (b) terminate–
    - (i) at a connection point approximately one metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right; or
    - (ii) when subsection (3) applies, at the connecting point designated in terms of that subsection; and
  - (c) be of a size determined by an authorised official.
- (5) An owner or his or her agent must pay the connection charge prescribed by the Council.
- (6) Where an owner or his or her agent is required to provide a sewage lift as contemplated in the National Building Regulations, the rate and time of discharge into the sewer are subject to the approval of an authorised official.

## 12. Acceptance of sewage delivered by road haulage

- (1) An authorised official may, and subject to such conditions as he or she may specify, accept sewage for disposal delivered by road haulage to a specified treatment works facility of the Municipality.
- (2)
  - (a) A person may not discharge sewage into the facilities of the Municipality by road haulage, except with and in terms of the written permission of an authorised official.
  - (b) The charges for any sewage delivered for disposal to any Municipal facility must be assessed by an authorised official in accordance with the charges prescribed from time to time in terms of section 28.
- (3) When delivery is by road haulage, the–
  - (a) time of delivery must be arranged with an authorised official; and
  - (b) nature and composition of the sewage must be established to the satisfaction of an authorised official prior to the discharge thereof,

Provided that a person may not deliver sewage which does not comply with the standards laid down in accordance with this By-law.

- (4) An authorised official may withdraw any permission to discharge sewage delivered: Provided that 14 days written notice is given to the permit holder, if the permit holder–
  - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the permit;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in accordance with this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her; or
  - (c) fails to pay the assessed charges in respect of any sewage delivered.

## Chapter 4

### Levels of supply: households and informal settlements

## 13. Levels of supply of sanitation to households

- (1) The sanitation provided to domestic households must be in the form of one of the following methods:
  - (a) a privately owned urine diversion toilet;
  - (b) if a municipal waterborne sewerage reticulation system is available, connection to such system; or
  - (c) if a municipal waterborne sewerage reticulation system is not available, an on-site privately-owned sewage disposal system.
- (2)
  - (a) The sanitation must match the available water supply to the premises concerned.
  - (b) Where–
    - (i) water supply to a household is limited to 300 litres per day via a ground tank or yard tap, sanitation must be provided in the form of a urine diversion toilet or an alternative approved by an authorised official; and
    - (ii) either a semi-pressure supply or a full pressure water supply is provided by the Municipality, sanitation must be provided in the form of the municipal waterborne sewerage reticulation system or an on-site privately-owned sewage disposal system.

- (3)
  - (a) The Municipality may prescribe that a particular sanitation method must be applied in a particular area.
  - (b) Any form of sanitation other than that prescribed for an area as contemplated in paragraph (a) may be used only with the permission of an authorised official: Provided that the–
    - (i) sanitation method matches the level of available water supply;
    - (ii) sanitation method is implemented by the householder; and
    - (iii) water supply system is able to sustain the level of water demand.
- (4) The following sanitation methods for domestic households are not permitted without an authorised official's consent, which may only be granted under exceptional circumstances:
  - (a) night soil pail;
  - (b) a simple, unimproved pit latrine; and
  - (c) a conventional VIP or chemical toilet.

#### **14. Sanitation of informal settlements**

- (1) Sanitation to informal settlements must be provided by means of either–
  - (a) an ablution block connected to the municipal waterborne sewerage reticulation system; or
  - (b) a toilet block where no connection to the municipal waterborne sewerage reticulation system is available: Provided that each toilet must be equipped with its own VIP pit which must be emptied as and when required.
- (2) The minimum level of access to sanitation provided in informal settlements must be an ablution block or toilet block within 200 meters of every household.

### **Chapter 5 Drainage installation**

#### **15. Drains in streets or public places**

A person may not, for the purpose of conveying sewage, construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of an authorised official and subject to such conditions as he or she may deem fit.

#### **16. Construction by Municipality on private premises**

- (1) The Municipality may, by agreement with the owner of any premises, construct drains on those premises at the cost of the owner.
- (2) When agreeing with the owner of premises to construct drains on those premises, a term of the agreement must be that the owner will be liable for the full cost of construction as certified by an authorised official, either in advance or on demand.

#### **17. Maintenance of drainage installation**

- (1) In the event that the owner or occupier of any premises fails to–
  - (a) provide a drainage installation and a sewer connection; or
  - (b) keep the drainage installation on those premises in proper working condition, the Municipality may itself carry out any necessary work on the premises, and recover the full cost thereof from the owner or occupier.

- (2) Any person who requests that a drainage installation be cleared by the Municipality is liable to pay the fee as prescribed.
- (3) An authorised official may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section of the installation and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

#### **18. Installation of pre-treatment facility**

- (1) Pre-treatment facilities must satisfy the requirements of the National Building Regulations and Building Standards Act, and must be provided in accordance with SANS 10400-P.
- (2) Where necessary an authorised official, in his or her discretion, may require that new premises be provided with such additional pre-treatment facility of a type specified by him or her prior to such premises being connected to the sewage disposal system.

#### **19. Protection from ingress of floodwaters**

Where premises are situated in the 1 in 50 year flood plain, the top level of manholes, inspection chambers and gullies must be placed above the 1 in 50 year flood level, except in the case of manholes and inspection chambers, where the cover is secured in place by means approved by an authorised official.

### **Chapter 6 Developments**

#### **20. Sewage disposal in sectional title developments**

- (1) The developer of a new sectional title development must, at his, her or its own cost, construct an approved sewage reticulation system, including any pump-stations and rising mains, which is adequate to serve each household and any common areas as required.
- (2) Where the municipal waterborne sewage reticulation system is available to serve the development, the developer must at his, her or its own cost connect the internal sewage reticulation system to the municipal reticulation system.
- (3) Where the municipal waterborne sewage reticulation system is not available to serve the development, the developer must install a suitable on-site privately-owned sewage disposal system.

#### **21. Sewage disposal to mini-sub developments**

- (1) The developer of any new mini-sub development is required to construct, to the specifications of the Municipality, a sewage reticulation system, including any pump-stations and rising mains, to serve each freehold site and any common areas as required.
- (2) Where the municipal waterborne sewage reticulation is available to serve the development, the developer must connect the internal sewage reticulation system to the municipal reticulation system.
- (3) The Municipality may take over the reticulation, up to the connection point, at no cost to the Municipality once—
  - (a) the sewage reticulation system has been completed to the satisfaction of the Municipality; and
  - (b) a complete set of as-built drawings have been received from the developer.
- (4) Where the municipal waterborne sewage reticulation is not available to serve the development, the developer may investigate the provision of a suitable on-site privately-owned sewage disposal

system, subject to the home owner's association fulfilling its obligations as water services provider or water services intermediary.

## **Chapter 7**

### **Privately-owned sewage disposal systems**

#### **22. Septic tanks**

Septic tank systems must be designed in accordance with SANS 10400-P, or by a competent person as defined therein, to satisfy the requirements of Part P of the National Building Regulations and Building Standards Act.

#### **23. Conservancy tanks**

- (1) A conservancy tank may only be installed on premises with the prior permission of an authorised official, which will only be granted in exceptional circumstances.
- (2) If permission for a conservancy tank on premises is granted in areas where there is municipal waterborne sewerage, the following conditions apply:
  - (a) the conservancy tank must–
    - (i) satisfy the requirements set out in Part P of the National Building Regulations and Building Standards Act; and
    - (ii) be designed in accordance with SANS 10400-P, or by a competent person as defined therein;
  - (b) the scale of the proposed development must be limited;
  - (c) the authorised official must be satisfied that adequate arrangements have been made for the required emptying service; and
  - (d) for a–
    - (i) domestic application, the conservancy tank must have a minimum capacity of 7000 litres and a minimum retention capacity for seven days ; and
    - (ii) non-residential application, the conservancy tank must have a minimum capacity sufficient to hold four days retention of the potential flow generated.

#### **24. Privately-owned sewage treatment plant**

- (1) A–
  - (a) privately-owned sewage treatment plant may only be installed on premises; and
  - (b) privately-owned low volume domestic sewage treatment plant may only be installed on domestic premises, with the prior permission of an authorised official, which will only be granted in exceptional circumstances.
- (2) If permission for a privately-owned low volume domestic sewage treatment plant on domestic premises is granted, the following conditions apply:
  - (a) the plant must comply with the eThekweni guideline document: Package Plants for The Treatment of Domestic Wastewater, as published and amended from time to time;
  - (b) the developer must appoint a professional engineer at the commencement of the project and such professional engineer–
    - (i) is responsible for the design and selection of the plant;

- (ii) must supervise the construction, installation and commissioning of the plant; and
  - (iii) is responsible for the operational control, monitoring and maintenance of the plant for a period of five years in terms of a service contract to the satisfaction of an authorised official ; and
- (c) the developer must lodge a financial guarantee with the Municipality in an amount equal to 1,5 times the total cost of the plant for a period of five years.
- (3) The Municipality may prescribe additional requirements for privately-owned low volume domestic sewage treatment plants.
- (4) If the discharge from a privately-owned low volume domestic sewage treatment plant does not comply with the General Limit Values as set by the Department of Water Affairs and Forestry's General Authorisations in terms of Section 39 of the National Water Act, an authorised official may instruct the owner of such plant to discharge into an approved municipal facility on such conditions as an authorised official may prescribe.
- (5) If it becomes apparent that a privately-owned low volume domestic sewage treatment plant does not meet the discharge standards set by the Department of Water Affairs as in subsection (4) above, an authorised official may instruct the owner of the plant to remove and replace the plant at his or her own cost.

## **Chapter 8**

### **Trade effluent**

#### **25. Permission to discharge trade effluent**

- (1) A person may not discharge, cause or permit to be discharged into the municipal sewage disposal system any trade effluent, except in terms of permission granted in accordance with–
  - (a) this By-law;
  - (b) any conditions relating to the permission granted; and
  - (c) any standards and criteria prescribed by an authorised official from time to time.
- (2) Any application for permission to discharge trade effluent into the sewage disposal system must be made in accordance with the requirements stipulated by an authorised official and against payment of the prescribed fee.
- (3) An authorised official may grant an applicant permission to discharge trade effluent into the municipal sewage disposal system if, in his or her opinion, there is sufficient capacity in the sewage disposal system to permit the–
  - (a) conveyance;
  - (b) effective treatment; and
  - (c) lawful disposal, of the additional trade effluent.
- (4) The person to whom permission has been granted in terms of this Chapter shall ensure that no trade effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "A" and "B" hereto.
- (5) In granting permission to discharge effluent into the municipal sewage disposal system, an authorised official may–
  - (a) specify the duration of the permission;
  - (b) impose any conditions in addition to those which may be prescribed by an authorised official; and

- (c) relax or vary the standards set up in Schedules "A" and "B" or any conditions prescribed by an authorised official if he or she is satisfied that any relaxation or variation is the best practicable environmental option taking into account the following factors:
  - (i) whether the applicant's plant is operated and maintained at optimal levels;
  - (ii) whether the technology used by the applicant represents the best available technology to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
  - (iii) whether the applicant is implementing a programme of waste minimisation which complies with waste minimisation or management standards prescribed in terms of applicable legislation;
  - (iv) the cost to the Municipality of granting the relaxation or variation; and
  - (v) the environmental impact, or potential impact, were the relaxation of variation to be granted and in doing so must apply a risk-averse and cautious approach.
- (6) A duly qualified sampler may take test samples at any time to ascertain whether the trade effluent complies with the provisions of this By-law and any standard or condition prescribed by the permit from time to time.
- (7) The authorised official may in the permit or at any time, by written notice, require a permit holder to—
  - (a) subject trade effluent to any preliminary treatment that, in the opinion of the authorised official, ensures that such effluent conforms with this By-law and any standard or condition prescribed by the authorised officer, and in Schedules "A" and "B" before being discharged into the municipal sewage disposal system;
  - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment as, in the opinion of the authorised official, is necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed on the permit holder;
  - (c) install for the conveyance of his or her trade effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent, and may prohibit such permit holder from disposing of his or her—
    - (i) trade effluent at any other point; and
    - (ii) waste water and standard domestic effluent by means other than into a sewage disposal system;
  - (d) construct on any pipe conveying his or her trade effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the authorised official may require;
  - (e) provide all such information as may be required by the authorised official to enable him or her to assess the charges due to the Municipality in accordance with this Bylaw;
  - (f) provide adequate facilities to prevent a discharge into the sewage disposal system which is in contravention of the provisions of this By-law, including but not limited to level or overflow detection devices, standby equipment, overflow catchpits or other appropriate means;
  - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by the authorised official, and to forward copies of the calibration certificate to him or her; and
  - (h) cause his or her trade effluent to be analysed as often and in such manner as may be prescribed by the authorised official, and to provide the Municipality with returns of these tests when completed.

- (8) The owner or occupier of any premises must at his or her own cost install precautionary measures to prevent the contravention of any provision of this By-law as contemplated in any guidelines set out by the Municipality relating to the approval of building plans, which include but are not limited to the following:
  - (a) installing an impermeable containing structure or bund around all liquid containers with a volume not less than the volume of the largest liquid container therein; and
  - (b) ensuring all containing structures are roofed with gutters to ensure that clean stormwater run-off is directed to the stormwater drainage system.
- (9) The authorised official may grant a relaxation of the requirements set out in subsection (8) if the permit holder applies for such relaxation in writing and is able to–
  - (a) prove that there would be no increased risk to the environment; and
  - (b) demonstrate what other provisions he or she would put in place to minimise the risk.
- (10) In the event of failure or a faulty recording meter or other device, the volume must be assessed by such means as an authorised official may decide.
- (11) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in accordance with subsection (7) must be borne by the permit holder concerned.
- (12) A permit holder must obtain the written permission of the authorised official for any proposed changes to the composition of trade effluent discharged into the sewage disposal system.
- (13) If a permit holder discharges into the sewage disposal system any trade effluent which does not comply with the permit issued in respect of that process or premises, the permit holder or his or her agent must, within 12 hours of the discharge, notify an authorised official of the incident and the reasons for it.
- (14) The authorised official may withdraw any permission to discharge trade effluent into the sewage disposal system if the permit holder–
  - (a) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her;
  - (b) fails to pay the assessed charges in respect of any trade effluent discharged; or
  - (c) fails to ensure trade effluent quality complies with Schedules "A" and "B",: Provided that the permit holder must be given 14 days written notice.
- (15) If the authorised official withdraws permission to discharge trade effluent, he or she may–
  - (a) in addition to any steps prescribed in this By-law, and on 14 days written notice served on the permit holder, authorise the closing or sealing of the connecting sewer of the premises concerned to any sewer for such charge as may be prescribed by the authorised official; and
  - (b) continue to refuse to accept any further trade effluent from the permit holder until he or she is satisfied that the permit holder concerned has taken adequate steps to ensure that the trade effluent to be discharged conforms with the standards prescribed in this By-law.
- (16) If the authorised official authorises the reopening of the connection or seal after it being closed, the permit holder is liable for the charge in terms of the prescribed charges.
- (17) (a) If it comes to the attention of the authorised official that a person is discharging trade effluent which has the potential, if allowed to continue, to seriously damage the sewage disposal system or the environment, he or she may immediately authorise the sealing of the sewer connection through which the trade effluent is being discharged.

- (b) A person may not permit the opening of the connection contemplated in paragraph (a) until an authorised official is satisfied that the trade effluent will comply with the prescribed standards.
- (18) The provisions of this section apply equally to trade effluent discharged into any of the sea outfalls of the Municipality, subject to applicable legislation, and further subject to the following provisions:
- (a) where trade effluent is accepted for discharge into a sea outfall, it must be delivered to the point of acceptance approved by the authorised official by means of a pipeline constructed and maintained by the permit holder at his or her own expense;
  - (b) no trade effluent may be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "B";
  - (c) trade effluent may not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of the authorised official not to be toxic to marine fauna or flora and not to contain any–
    - (i) other constituents in concentrations which–
      - (aa) can create a nuisance on the beaches or in the sea, or a health hazard; or
      - (bb) may have an adverse effect on bathing or other recreational areas;
    - (ii) floating material;
    - (iii) substance which may be prejudicial or injurious to the sea outfalls of the Municipality and associated sumps, sewers, plant and equipment or to its employees;
    - (iv) materials capable of creating a nuisance by frothing; and
    - (v) standard domestic effluent;
  - (d) subject to the provisions of subsection (c), the authorised official may, in writing in the permission concerned, relax or vary the standards and criteria prescribed by Schedule "B";
  - (e) the delivery pipeline from the premises concerned to the point of acceptance must be maintained in a proper condition and free from all leaks;
  - (f) acceptance of the trade effluent must be subject to periodic review: Provided that such review may be made at any time if, in the opinion of the authorised official, special circumstances which may include but is not limited to, the pollution of the sea or beaches, the killing of fish, or other incidents, arise as a result of the acceptance thereof into a sea outfall;
  - (g) a suitable sampling point to the satisfaction of the authorised official must be provided by the permit holder in respect of the trade premises concerned;
  - (h) the above mentioned sampling point shall be labeled to the satisfaction of the authorised official; and
  - (i) the authorised official must be notified of any proposed changes in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the trade effluent discharged: Provided that the permission of the authorised official must be obtained for the continued discharge of such effluent.

## **Chapter 9 Payment for services**

### **26. Payment for use of sewage disposal system**

- (1) Payment for the use of the sewage disposal system must be made–
  - (a) in accordance with the prescribed tariff for the disposal of sewage;
  - (b) in terms of a special agreement entered into between the Municipality and a person in terms of section 9; or
  - (c) in terms of some other means as prescribed by the authorised official.
- (2) Payment is due and payable on the due date stipulated in the account.

### **27. Trade effluent charge when sewage rates applied**

When the charge for the use of the sewage disposal system is by means of sewage rates and a person holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of 'T' kilolitres per month, the permit holder is liable to charges in addition to that levied by means of sewage rates, calculated in accordance with section 28.

### **28. Trade effluent charges**

The Municipality may prescribe trade effluent charges and amend such charges as it deems necessary.

### **29. Sewage disposal charge when tariff rates applied**

When a charge for the use of the sewage disposal system is by means of prescribed tariff rates, charges for standard domestic effluent become payable by the customer when a premises–

- (a) is connected to the sewage disposal system or is reasonably capable of being so connected; or
- (b) receives a supply of water from the Municipality.

### **30. Trade effluent charge when tariff rates applied**

- (1) A person who holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of 'T' kilolitres per month, is liable for a minimum charge per kilolitre of trade effluent which is equivalent to the charge for the disposal of standard domestic effluent.
- (2) In addition to the provisions of subsection (1), a permit holder who discharges a trade effluent with a strength or quality greater than standard domestic effluent is liable for an additional charge in respect of high strength sewage calculated in accordance with the provisions of section 28.

### **31. Volume of standard domestic effluent determined for payment purposes**

- (1) The volume of standard domestic effluent must be determined–
  - (a) by a percentage of water supplied by the Municipality in accordance with any prescribed procedures;
  - (b) on an assessment made by the authorised official based on criteria such as the number of employees at a premises, the number of shifts worked, number of meals served and the like; or
  - (c) where premises are supplied with water from a source in addition to the water supply system of the Municipality, by river abstraction or partially or wholly by a borehole, on

an assessment made by the authorised official based on such criteria as he or she deems relevant.

- (2) Notwithstanding the provisions of subsection (1)(a), where the authorised official is of the opinion that the percentage applicable in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, he or she may reduce the percentage applicable to those premises to a figure which, in his or her opinion and in the light of information then available, more realistically reflects the proportion between the likely volume of sewage discharged from the premises and the quantity of water supplied thereto.

### **32. Volume of trade effluent determined for payment purposes**

The volume of trade effluent discharged into the sewage disposal system or to sea outfalls must be determined in the following ways:

- (a) where direct measurements of the volume of trade effluent discharged from a premises are made, such volume must be used for the purposes of calculating the amount payable;
- (b) where no direct measurement of the volume of trade effluent discharged from the premises are made, then the volume must be determined as a percentage of water supplied by the Municipality in accordance with procedures prescribed by the Municipality;
- (c) where premises are supplied with water from a source in addition to the Municipality's water supply system, by river abstraction or partially or wholly by a borehole, the volume must be assessed by the authorised official based on such criteria as he or she may deem relevant; and
- (d) where a portion of the water supplied to a permit holder forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the authorised official may, in his or her sole discretion, on application by the permit holder, reduce the assessed volume of trade effluent.

### **33. Other charges**

- (1) Notwithstanding anything to the contrary contained in this By-law, the authorised official may prescribe and levy the following charges:
  - (a) a charge payable by any person in respect of a minimum volume of sewage;
  - (b) a charge payable by any person in the form of a general surcharge on the prescribed charges for use of the sewage disposal system in the event that there is any prohibition or restriction in the consumption or use of water;
  - (c) a charge for the recovery of costs incurred by the Municipality for trade effluent control and monitoring of permit holders who dispose of trade effluent into the sewage disposal system;
  - (d) a charge payable by a person who disposes of an objectionable discharge as referred to in section 6 for the recovery of full costs incurred by the Municipality in tracing the source of such objectionable discharge and in remedying the effects thereof: Provided that such full cost must include the environmental cost;
  - (e) a charge payable by any person at—
    - (i) the applicable prescribed tariff rate; or
    - (ii) if no tariff has been prescribed, the full cost for any other service rendered or goods sold;
  - (f) additional charges for any charges relating to water quality that may be levied by the national government;
  - (g) a charge payable by any person who exceeds the discharge limits as set out in Schedules "A" and "B"; and

- (h) charges in respect of the estimated volume of storm water discharged into sewer by the owner of any premises where storm water infiltration into the sewerage reticulation has been found: Provided that the volume of storm water entering the sewer system must be estimated by the authorised official.
- (2) No person must establish or operate an industry or a commercial undertaking, producing waste or water containing waste in an area zoned for residential purposes.

#### **34. Payment of deposit**

- (1) The authorised official may require any person to deposit with the Municipality a sum of money representing the cost of sewage disposal charges which in his or her opinion would be incurred by the person during a period specified by the Municipality.
- (2) A deposit contemplated in subsection (1) must accompany the application submitted in accordance with section 8 or subsection (1).
- (3) A deposit paid in accordance with subsection (1) may not be regarded as being in payment or part payment of a current account due for the disposal of sewage.
- (4) Subject to the Credit Control and Debt Collection By-law the Municipality may, by notice in writing, require the person concerned to increase the deposit by an amount specified in such notice.
- (5) Subject to the Credit Control and Debt Collection By-law the Municipality may of its own accord, or at the request of a customer, reduce the amount of a deposit or a guarantee required by him or her if the Municipality is satisfied that the reduction is justified by–
  - (a) the present level of sewage disposal charges to the customer; or
  - (b) a change in the circumstances pertaining to the assessment of the original amount of the deposit or guarantee.

#### **35. Reduction of amount payable if water wasted or leakage undetected**

- (1) A person is entitled to a reduction of the amount payable for the disposal of sewage in the event that the water meter readings upon which the charge is calculated include any period during which–
  - (a) water was wasted; or
  - (b) a leakage was undetected, : Provided that the customer demonstrates to the satisfaction of the authorised official that the water was not discharged into the sewage disposal system.
- (2) The amount payable for the disposal of sewage may be reduced by an amount based on the volume of standard domestic effluent calculated from the volume of potable water lost through leakage or wastage during the leak period.
- (3) The leak period must be either the metering period immediately prior to the date of repair of the leak or the metering period during which the leak is repaired, whichever results in the greater reduction of the amount payable.
- (4)
  - (a) The volume of lost water must be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time.
  - (b) If–
    - (i) there is no previous consumption history existing; or
    - (ii) the average consumption is not considered representative by the authorised official, the average water consumption is that amount determined by him or her, after due consideration of all relevant information.

- (c) There may be no reduction of the amount payable as a result of a loss of water directly or indirectly caused by or resulting from–
  - (i) subsidence or landslip;
  - (ii) refilling of swimming or other pools or ponds, whether following leakage or otherwise;
  - (iii) the deliberate act of the person who has suffered such loss or any person acting on his or her behalf if such act results in loss of water; or
  - (iv) water installations that do not conform to any installation guidelines of the Municipality.

### **36. Amendments to amount payable**

If, for any reason, a person liable under this By-law is–

- (a) not charged at all; or
- (b) charged for sewage at a rate lower than that for which he or she is liable, he or she may not be absolved from payment, and must on demand remit all sums due to the Municipality, calculated in accordance with the provisions of this By-law.

### **37. Amendments to prescribed charges**

Where amendments to the prescribed tariff rates for disposal of sewage become operative on a date between meter readings, the customer must pay charges calculated on the same quantity of sewage as was disposed of in each period of 24 hours during the interval between meter readings.

## **Chapter 10 Protection of sewage disposal system**

### **38. Trespassing on sewage disposal system**

Except with the prior authority of the authorised official, a person may not enter–

- (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
- (b) a structure used by the Municipality in connection with its sewage disposal system.

### **39. Interference with sewage disposal system**

Except with the prior authority of the authorised official, a person may not–

- (a) interfere or tamper with the sewage disposal system except under the provisions of section 43;
- (b) make a connection to the sewage disposal system except under the provisions of section 11; or
- (c) construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

### **40. Damage to sewage disposal system**

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Municipality or over which it has a servitude or other right must,

prior to commencement of such work, ascertain from the Municipality whether any part of the sewage disposal system is situated on the land.

- (3) If work, which in the opinion of the authorised official could damage or endanger the sewage disposal system, is to be performed or is being performed on land contemplated in subsection (2), or on land adjacent thereto, he or she may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

#### **41. Consequential maintenance of sewers**

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of this By-law or otherwise, the authorised official may–

- (a) carry out such work, maintenance or repair as the authorised official considers necessary; or
- (b) remove the obstruction, at the expense of such person and recover from that person the full cost of doing so.

#### **42. Obstruction of access to sewage disposal system**

- (1) A person may not prevent or restrict access to the sewage disposal system.
- (2) In the event that a person contravenes the provisions of subsection (1), the authorised official may–
  - (a) by written notice require the person to restore access at his or her own cost within a specified period; or
  - (b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from the person.

#### **43. Work by private persons**

- (1) The authorised person or his or her agents must lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's conditions of contract applicable to the work and the provisions contemplated in subsection (2).
- (2) If the authorised official elects to allow another person to lay a sewer or connecting sewer, the work must be done in accordance with the standards and procedures approved by the Municipality for such work, including the following provisions:
  - (a) any person carrying out work must, prior to commencement of such work, lodge with the authorised official a written indemnity to the satisfaction of the authorised official, indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
  - (b) where a connection is to be made with any sewer, it must be made at a point indicated by the authorised official;
  - (c) whenever the surface of any street or road has been disturbed in the course of work, the restoration of the surface of the street or road must be undertaken solely by the Municipality at the expense of the person carrying out such work; and
  - (d) before disturbing the surface of any street or road, a deposit must be made with the Municipality which in the opinion of the authorised official is sufficient to cover the estimated cost of restoration: Provided that when the actual cost is greater or less than the amount deposited, any–
    - (i) excess must be recoverable from such person; or

- (ii) balance must be refunded to him or her.
- (3) All work must be carried out in accordance with the requirements, and to the satisfaction of, the authorised official.

## **Chapter 11 Enforcement**

### **44. Entry by authorised official**

- (1) An authorised official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time–
  - (a) enter premises;
  - (b) request information;
  - (c) take samples; and
  - (d) make such inspection, examination and enquiry and carry out work, as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If an authorised official considers it necessary that work be performed to enable him or her to properly and effectively implement a function contemplated in subsection (1), he or she may–
  - (a) by written notice require the owner or occupier of the premises at his or her own cost to do specified work within a specified period; or
  - (b) if in his or her opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, the cost of which must be recovered from the owner or occupier.
- (3) If the work contemplated in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is proved, the Municipality must bear the expense connected therewith together with that of restoring the premises to its former condition: Provided that in all other circumstances, the owner of the premises must bear such expense.
- (4) All health and safety and access control policies and procedures in place at a premises must be amended to prevent any delays in the carrying out of a person's responsibilities in terms of this By-law.
- (5) A person may not refuse access to, interfere with, hinder or obstruct an authorised official in the exercise of his or her powers in terms of the provisions of this By-law.
- (6) An authorised official must, when entering any premises, produce a valid identification document issued to him or her by the Municipality, to the owner or occupier.

### **45. Powers of authorised officials**

An authorised official may, when entering any premises–

- (a) inspect, monitor or investigate any part of those premises relating to the water system, sewage disposal system or other drainage system as well as where chemicals of any nature are handled, stored or disposed of; (b) question the owner or any occupier of the building;
- (c) take photos of the premises;
- (d) take samples;
- (e) seize pertinent evidence relating to water quality; or

- (f) do anything necessary to implement the provisions of this By-law.

#### **46. Service of notices**

- (1) Whenever a compliance notice is required to be served on a person in terms of the provisions of this By-law, it is deemed to have been effectively and sufficiently served on that 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, employment 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 of South Africa and an acknowledgement of the posting thereof is produced;
  - (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
  - (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a door, gate or in any other conspicuous place on the building.
- (2) When a compliance notice is required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property–
  - (a) it is not necessary to name him or her; and
  - (b) he or she may be described as the owner or holder of such premises or other right, as the case may be.

#### **47. Indemnity**

The Municipality and any authorised official are not liable to any third party for any damage caused by anything lawfully done or omitted by the Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

#### **48. Lawful instructions**

Failure to comply with a lawful request of an authorised official constitutes a contravention of this By-law.

#### **49. Recovery of costs**

If a person–

- (a) contravenes the provisions of this By-law or of any other By-law; or
- (b) fails or refuses to comply with a compliance notice issued in accordance with this By-law,

such person is guilty of an offence and the Municipality may take any steps required in the compliance notice itself and recover the costs from such person: Provided that such liability is in addition to any fine which may be imposed on such person.

#### **50. Offences**

A person who–

- (a) contravenes any provision of this By-law;
- (b) fails or refuses to comply with a compliance notice issued to him or her;
- (c) fails to comply with any lawful instruction given in accordance with this By-law;

- (d) contravenes any conditions imposed in the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of this By-law;
- (e) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or
- (f) deliberately furnishes false or misleading information to an authorised official, is guilty of an offence.

## 51. Penalties

- (1) Any person who is convicted of an offence under this By-law shall be liable to a fine of an amount not exceeding R300 000 or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.
- (2) Failure to comply with the terms of this By-law or any terms of any condition or notice shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each hour during which he or she fails to comply with such terms.
- (3) A person who commits an offence stated in subsection (1) or (2) shall be liable, in addition to the penalties prescribed in this By-law and any other law, to such charges as an authorised officer may assess as the full cost including the environmental cost incurred by the Municipality as a result of that offence.

## Chapter 12 Miscellaneous provisions

## 52. Delegations

- (1) Subject to the Constitution and applicable national and provincial laws, any–
  - (a) power, excluding a power referred to in section 160(2) of the Constitution;
  - (b) function; or
  - (c) duty,conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.
- (2) The delegation in accordance with subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 ([Act No.32 of 2000](#)), subject to the criteria set out in section 59(2) of said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the–
  - (a) entity or person issuing the delegation or sub-delegation;
  - (b) recipient of the delegation or sub-delegation; and
  - (c) conditions attached to the delegation or sub-delegation.

### 53. Appeals

- (1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against that decision in terms of the appeals provision contained in Section 62 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
- (3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms of section 62 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) and not in terms of this By-law.

### 54. Repeal of laws and savings

- (1) The laws mentioned in the first and second columns of Schedule C to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.
- (2) All notices published under the Sewage Disposal By-laws of 1999 remain in full force and effect as if the said By-law has not been repealed as contemplated in subsection (1).
- (3) Any rights accrued or obligations incurred as contemplated in the laws referred to in subsection (2) remain in force, as if those laws have not been repealed.

### 55. Short title and commencement

This By-law is called the eThekweni Municipality: Sewage Disposal By-law, 2015 and takes effect on the date of publication thereof in the Provincial Gazette.

## SCHEDULE A

### ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM

No trade effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

All analyses must be undertaken by a laboratory accredited by an authority recognised by the Municipality using methods applicable for the given matrix, suitable detection limits and ranges.

The effluent shall not contain concentrations of substances in excess of those stated below— Large Works' general quality limits are applicable when an industry's effluent discharges in a catchment leading to a sewage works of greater than 25 Mℓ/d capacity. Small Works' quality limits apply for catchments leading to sewage works with less than 25 Mℓ/d capacity.

GENERAL QUALITY LIMITS		LARGE WORKS > 25 Mℓ/d	SMALL WORKS	UNITS
1.	Temperature (°C)	< 44°C	< 44°C	Degrees Celcius
2.	pH	6 < pH < 10	6,5 < pH < 10	pH units
3.	Oils, greases, waxes of mineral origin	50	50	mg/ℓ
4.	Vegetable oils, greases, waxes	250	250	mg/ℓ
5.	Total sugar and starch (as glucose)	1 000	500	mg/ℓ
6.	Sulphates in solution (as S02-4)	250	250	mg/ℓ
7.	Sulphides, hydrosulphides and polysulphides (as S2-)	1	1	mg/ℓ
8.	Chlorides (as Cl-)	1 000	500	mg/ℓ
9.	Flouride (as F-)	5	5	mg/ℓ
10.	Phenols (as phenol)	10	5	mg/ℓ
11.	Cyanides (as CN-)	20	10	mg/ℓ
12.	Settleable solids	Charge	Charge	mg/ℓ
13.	Suspended solids	2 000	1 000	mg/ℓ
14.	Electrical Conductivity	400	400	mS/m
15.	Anionic Surfactants	-	500	mg/ℓ

16.	C.O.D.	Charge	Charge	mg/ℓ
<b>Heavy Metal Limits</b>				
17.	Copper (as Cu)	50	5	mg/ℓ
18.	Nickel (Ni)	50	5	mg/ℓ
19.	Zinc (Zn)	50	5	mg/ℓ
20.	Iron (Fe)	50	5	mg/ℓ
21.	Boron (B)	50	5	mg/ℓ
22.	Selenium (Se)	50	5	mg/ℓ
23.	Manganese (Mn)	50	5	mg/ℓ
24.	Lead (Pb)	20	5	mg/ℓ
25.	Cadmium (Cd)	20	5	mg/ℓ
26.	Mercury (Hg)	1	1	mg/ℓ
27.	Total chrome (Cr)	20	5	mg/ℓ
28.	Arsenic (As)	20	5	mg/ℓ
29.	Titanium (Ti)	20	5	mg/ℓ
30.	Cobalt (Co)	20	5	mg/ℓ
31.	Colour as measured by American Dye Manufacturer's Index	450	450	ADMI
32.	Benzene, Toluene, Ethyl Benzene and Xylene	4	4	mg/ℓ

## SPECIAL LIMITATIONS

1. No calcium carbide, radioactive waste or isotopes.
2. No yeast & yeast wastes, molasses spent or unspent.
3. No cyanides or related compounds capable of liberating HCN gas or cyanogens.
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21°C.
5. No substance discharged at a flow rate and concentration that will cause interference with any Treatment Works.

## **SCHEDULE B**

### **ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE EITHER DIRECTLY OR INDIRECTLY INTO SEA OUTFALLS**

No trade effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below—

SEA OUTFALL QUALITY LIMIT			UNIT
1.	Temperature	44	oC
2.	pH	5,5 < pH < 9,5	
3.	Settleable solids	2	mg/l
4.	Oils, greases and waxes of mineral origin	50	mg/l
5.	Arsenic (expressed as As)	5	mg/l
6.	Cadmium (expressed as Cd)	1,5	mg/l
7.	Total chromium (expressed as Cr)	3	mg/l
8.	Copper (expressed as Cu)	3	mg/l
9.	Lead (expressed as Pb)	5	mg/l
10.	Mercury (expressed as Hg)	0,05	mg/l
11.	Cyanides (expressed as CN)	10	mg/l
12.	Nickel (expressed as Ni)	10	mg/l
13.	Zinc (expressed as Zn)	20	mg/l
14.	Sulphide (expressed as S <sup>2-</sup> )	1	mg/l
15.	Sulphates in solution (expressed as S <sub>04</sub> )	250	mg/l

16.	Toxicity as Minimum Acceptable Toxicant Dilution	200	Number of dilutions
17.	Benzene, Toluene, Ethyl Benzene and Xylene	4	mg/ℓ

**SCHEDULE C**  
**LAWS REPEALED**

**Part A – BY-LAWS**

<b>Number and year of law</b>	<b>Title</b>	<b>Extent of repeal</b>
Provincial Notice No. 87 of 1953 has been adopted by the Township of Amanzimtoti by Provincial Notice No. 198 of 1967	Drainage By-laws, Amanzimtoti	Chapter VIII
Provincial Notice No. 21 of 1942	Local Government Ordinance, Isipingo	Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Isipingo by Provincial Notice No. 1 of 1972	Standard By-laws, Isipingo	Chapter III, Part C and Chapter VIII
Provincial Notice No. 39 of 1968	General Regulations, Lower Illovo Health Committee	Chapter 1
Provincial Notice No. 346 of 1953	General By-laws, Umbogintwini	Chapter 1
Provincial Notice No. 382 of 1958	General By-laws, Windenham Health Committee	Chapter 1
Provincial Notice No. 60 of 1957	General By-laws, SAICCOR Township Health Committee	Chapter 1
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umkomaas by Provincial Notice No. 538 of 1971	Standard By-laws, Umkomaas	Chapter III, Part C
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umkomaas by Provincial Notice No. 538 of 1971	Drainage By-laws, Umkomaas	Chapter VIII
Provincial Notice No. 380 of 1961	General Regulations, Canelands Health Committee	Chapter 1

Provincial Notice No. 87 of 1953	Standard By-laws, Mount Edgembe	Chapter III, Part C and Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Tongaat by Provincial Notice No. 276 of 1966	Standard By-laws, Tongaat	Chapter III, Part C and Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umhlanga Rocks by Provincial Notice No. 398 of 1966	Standard By-laws, Umhlanga Rocks	Chapter III, Part C
Provincial Notice No. 287 of 1963	General By-laws, Verulam	Chapter XIII, Section 2 and Chapter XXV
Provincial Notice No. 528 of 1973	General By-laws, Assagay Health Committee	Chapter 1
Provincial Notice No. 109 of 1948	General By-laws, Botha's Hill Health Committee	Chapter 1
Provincial Notice No. 397 of 1955	General By-laws, Cato Ridge Health Committee	Chapter 1
Provincial Notice No. 153 of 1990	Trade Effluent Regulations By-law	Whole
Provincial Notice No. 446 of 1955	General By-laws, Drummond Health Committee	Chapter 1
Provincial Notice No. 154 of 1971	General By-laws, Everton Health Committee	Chapter 1
Provincial Notice No 755 of 1971	Conservancy Tank By-laws, Kloof	Whole
Provincial Notice No. 231 of 1985	Drainage By-laws, Kloof	Whole
Provincial Notice No. 565 of 1953	Standard By-laws, Mariannahill Health Committee	Chapter 1
Provincial Notice No. 196 of 1992	Industrial Effluent, Pinetown	Whole
Provincial Notice No. 407 of 1975	Industrial Effluent, Queensburgh	Whole

Provincial Notice No. 491 of 1955	General Regulations, Waterfall Health Committee	Chapter 1
Provincial Notice No. 179 of 1989	Drainage Regulations, Yellow Wood Park Health Committee	Chapter 1
Provincial Notice No. 466 of 1961	General Regulations, Yellow Wood Park	Chapter 1
Provincial Notice No. 27 of 1999	Sewage Disposal By-laws	Whole
Provincial Notice No. 87 of 1953 has been adopted by the Township of New Germany by Provincial Notice No. 305 of 1967	Standard By-laws, New Germany	ChapterVIII and Chapter X
Provincial Notice No. 236 of 1977	Conservancy Tank Regulations By-laws	Whole