

# LEKWA LOCAL MUNICIPALITY



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## DRAFT WATER SUPPLY BY-LAWS

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The Council of Lekwa Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

## **DRAFT WATER SUPPLY BY-LAWS**

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# CHAPTER I

## 1. GENERAL PROVISIONS

### 1.1. DEFINITIONS

For the purpose of this by-law, unless the context indicates otherwise:

- “communication pipe”** means any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated near to such main, or in the cases where the meter installed inside the premises of any consumer in terms of this by-law, as far as the inlet of the meter;
- “consumer ”** means the occupier of any premises which the Council has contracted to supply with water or the owner thereof, or any person who has entered into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;
- “Council ”** means the Lekwa Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);
- “domestic purpose”** includes every kind of household purpose, but shall not include the use of water for any engine or machine, or for any mining or quarrying operations, or for the flushing of any sewer or drain, or for any purpose connected with any trade, manufacture or business, or for the cleansing of any road, path or pavement, or for garden purposes or for the watering of any tennis court, bowling green or any other ground used in connection with public sporting purposes;
- “Engineer ”** means the engineer of the Council or any other officer authorised to act on his/her behalf;
- “main”** means any pipe, aqueduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but shall not include any communication pipe;

- “tariff ”** means the tariff of charges approved by Council;
- “Chief Financial Officer”** means the officer in charge of the finance department or any other officer authorised to act on his/her behalf;
- “water installation”** means all pipes and apparatus used or intended to be used for or in connection with the use of water supplied by the Council and situated on the premises occupied or owned by the consumer;
- “water installation pipe ”** means any pipe included in any water installation;

## **1.2. DOMICILIUM**

For the purpose of the service of any notice, order or other document in terms of this by-law, the address of the consumer registered in the books of the Chief Financial Officer shall be deemed to be the domicilium citandi et executandi of the consumer.

## **1.3. INFRINGEMENT OF BY - LAWS**

Any owner or occupier having or using upon his/her premises, and any person providing, installing, laying down or connecting, or causing or permitting to be provided, installed, laid down or connected, upon any premises any water installation or part thereof or any meter or apparatus which fails to comply with the requirements of this by-law, shall be guilty of an offence in terms of this by-law.

## **1.4. LIABILITY OF CONSUMER**

Any breach of this by-law committed on the premises of any consumer shall be deemed to be a breach by such consumer unless and until he/she shall prove to the contrary.

## **5. ENTRY AND INSPECTION BY OFFICERS**

- (1) The engineer or any other duly authorised officer of the Council may for any purpose connected with the carrying out of this by-law at all reasonable times or at any time in an emergency and without previous notice enter upon any premises and make such examination and enquiry thereon as he/she may deem necessary: Provided that upon entry on any premises such officer, if required, shall state the reason for such inspection, examination and enquiry.
- (2) Should such officer consider it necessary for the purpose of examination or inspection or of carrying out any other work in terms of this by-law, he/she may at the expense of the consumer after having given 24 hours' notice, or at once without giving any notice if in his/her

opinion immediate action is necessary, move any earth, concrete, brick, wood or metal work or any part of such premises.

- (3) The Council shall not be liable to pay any compensation in respect of work carried out by its officers in terms of subsection (2): Provided that where any such inspection is made for the sole purpose of establishing a breach of this by-law and no such breach is discovered, the Council shall bear the expense connected with such inspection, together with that of restoring the premises to their former condition.

## **CHAPTER II**

### **2. PROVISIONS RELATING TO SUPPLY OF WATER BY THE COUNCIL**

#### **2.1. CONNECTIONS BY COUNCIL ONLY**

No connection shall be made to any main or communication pipe except by an authorised officer of the Council: Provided that the connecting up of the water installation to the communication pipe or in the case of a meter installed inside any premises, to the outlet pipe from the meter as provided by the Council, may be carried out by the owner or consumer.

#### **2.2. CONNECTION TO OTHER WATER SUPPLY SYSTEMS**

No water installation pipe, tank, cistern or other apparatus for storing or conveying water supplied by the Council shall be directly connected with any system or source of water supply other than that of the Council.

#### **2.3. UNAUTHORISED USE OF WATER**

No person who has not entered into a contract with the Council for the supply of water and otherwise complied with the requirements of this by-law, shall take any water from or make or cause to be made any connection with any main, communication pipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the Council except with the written permission of the Council first had and obtained.

#### **2.4. DAMAGE TO WATER SUPPLY SYSTEM**

No person shall willfully or negligently damage or cause to be damaged any main, communication pipe, meter or other plant or apparatus belonging to the Council and use or intended to be used by it in connection with the supply of water.

## **2.5. POLLUTION OF WATER SUPPLY**

No person shall –

- (a) bathe in any stream, reservoir, aqueduct or other place which contains water belonging wholly or partly to the Council or is under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants of the area of supply or wash, throw, or cause or permit to enter therein any animal, unless stated to the contrary;
- (b) throw any rubbish, dirt, filth or other deleterious matter into such stream, reservoir, aqueduct or other place, or wash or cleanse therein any clothe, wool, leather or skin of any animal, clothes or other matter;
- (c) Cause or permit the water of any sink, sewer, drain, steam engine, boiler or other unclean water or liquid for the control of which he/she is responsible, to run or be brought into any such stream, reservoir, main, aqueduct or other place or do any other act whereby the water of the Council, intended for the supply to the inhabitants of the area of supply, may be polluted.

## **CHAPTER III**

### **3. CONDITIONS OF SUPPLY OF WATER**

#### **3.1. APPLICATION FOR THE SUPPLY OF WATER**

- (1) Application for the supply of water for any purpose whatsoever shall be made to and in a form prescribed by the Council from time to time and in which the applicant shall state for what purpose the water is required.
- (2) No supply of water shall be given unless and until the owner or occupier of the premises or some person acting on his/her behalf has completed a consumer's agreement in a form prescribed by the Council.
- (3) Upon the Council agreeing to supply water, an agreement in the form as prescribed by the Council shall be signed by the applicant, and no water shall be supplied unless and until such agreement is so signed.

- (4) The charge payable for water consumed shall be as prescribed in the tariff and it shall be a condition of the supply of water in terms of every agreement entered into in terms of subsection (3) that payment therefor by the consumer to the Council shall be effected in the manner prescribed in terms of subsection (5), read with subsection 36(2).
- (5) The Council may during the period between meter readings render to the consumer a provisional account in respect of part of such period, which part shall as nearly as practically possible be a period of 30 days, and the amount of such account shall be determined as provided in subsection (6) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on his/her actual metered consumption during that period, giving credit to the consumer for any sum paid by him/her on a provisional account as aforesaid: Provided that an account may be rendered for fixed charges in terms of the tariff as and when the same becomes due.
- (6) The amount of a provisional account referred to in subsection (5) shall be determined by the Chief Financial Officer by reference to such previous consumption, if any, on the same premises as would constitute a reasonable guide to the quantity of water consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the Chief Financial Officer shall determine the amount of the said account by reference to such consumption on other similar premises as would constitute the reasonable guide referred to.

### **3.2. DEPOSITS**

- (1)
  - (a) Except in cases as prescribed in law, all class of consumers approved by the Council and every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money on the basis of the cost of the maximum consumption of water which the applicant is in the Chief Financial Officer opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.
  - (b) Notwithstanding the foregoing provisions of this section the Chief Financial Officer may, in lieu of a deposit, accept from an applicant a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of water: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least five hundred Rand.

- (2) The Chief Financial Officer may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within thirty days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Chief Financial Officer may require, failing which the Council may discontinue the supply.
- (3) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within thirty days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Council.
- (4) (a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –
  - i) surrender the receipt which was issued for payment of the deposit; or
  - ii) if such receipt is not available, sign a receipt prescribed by the Council for the refund to him/her of such deposit or part thereof;  
and satisfy the Chief Financial Officer that he/she is the person entitled to such refund.
- (b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Council shall be absolved from any further liability in respect thereof.
- (5) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within one year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Council.
- (6) Notwithstanding the provisions of subsection (5), the Council shall at any time pay –
  - (a) to the person who paid the deposit on his/her satisfying the Council of his/her identity and the amount; or
  - (b) to any other person who has satisfied the Council that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.

- (7) If a consumer applies to the Council for a greater supply of water than he/she is receiving, the Chief Financial Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

### **3.3. SPECIAL CONDITIONS OR PROVISIONS RELATING TO THE SUPPLY OF WATER**

- (1) The Council shall have the right to attach special conditions or make special provisions relating to the supply of water to any person or consumer or premises in any case where, by reason of the purpose for which the supply is desired, the nature or situation of the premises, the quantity to be supplied, the availability of supply or the method of supply, it is in the opinion of the Council necessary or desirable to attach special conditions or make special provisions relating to the supply.
- (2) Notwithstanding anything to the contrary in any other section of this by-law contained, it shall be lawful for the Council in making such special provisions to stipulate any or all of the following:
  - (a) Where a supply in bulk is given to any consumer outside the municipality, such consumer may be permitted by the Council to re-sell the water to other consumers resident outside the municipality.
  - (b) Where the Council permits any consumer to re-sell water, it may impose conditions fixing the maximum and minimum price at which the water may be resold by such consumer and may require that plans of any proposed water supply system and reticulation be submitted to the Council from time to time for approval as a condition precedent to authority to re-sell being given.
  - (c) Where any consumer is given a supply by means of more than one connection from the Council's mains, the Council may stipulate the manner in which and the times during which the supply from any one or each of such connections may be used by the consumer.
  - (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (3) Save as is provided in subsection (2), the terms of any special conditions or provisions shall otherwise conform with the provisions of this by-law.

### **3.4. CUTTING OFF SUPPLY OF WATER**

- (1) Without paying compensation and without prejudice to its rights to obtain payment for water supplied to the consumer, the Council may cut off the supply of water to any consumer where such consumer has –
  - (a) failed to pay any sum due to the Council in terms of this by-law;
  - (b) wilfully or negligently damaged or caused or permitted damage to be inflicted upon any main, communication pipe, meter or other plant or apparatus belonging to the Council and used or intended to be used by it in connection with the supply of water;
  - (c) committed a breach of any of the provisions contained in this by-law;
  - (d) tampered or interfered with or caused or permitted any tampering or interference with any plant or apparatus under the Council's control and used or intended to be used by it in connection with the supply of water: Provided that in cases falling under paragraphs (b), (c) and (d) not less than seven days' notice shall be given to any consumer prior to the cutting off of the supply of water.
- (2) The Council shall not be liable for damages to any consumer where it cuts off the supply of water in the *bona fide* belief that any of the circumstances set out in subsection (1) apply.
- (3) The consumer shall pay to the Council the fee as prescribed in the tariff for cutting off the supply of water in terms of this section.
- (4) In the event of the Council at any time resuming the supply of water to such consumer, the consumer shall pay to the Council such charges as are prescribed in the tariff, unless he/she establishes that the Council was not entitled in terms of subsection (1) to cut off the supply of water.
- (5) The cutting off supply of water or the limitation of water supply must be in terms of subsections 4 (3)(b) and (c) of the Water Services Act (108 of 1997.)

### **3.5. TERMINATION OF AGREEMENT**

The Council or the consumer may at any time terminate any agreement entered into in terms of this by-law by giving not less than seven days' notice in writing to the other party thereto of the intention to do so.

### **3.6. DISCONNECTION OF SUPPLY OF WATER ON TERMINATION OF AGREEMENT**

Where an agreement for the supply of water between the Council and the consumer has been terminated, the Council shall be entitled to disconnect such supply: Provided that no such disconnection shall be carried out where the new consumer accepts liability for payment for water consumed as from the date of the previous ordinary reading of the meter or for a special reading of the meter at the charge fixed in the tariff.

### **3.7. SPECIAL RESTRICTIONS**

- (1) The Council may at any time restrict the supply of water to the whole or any portion of the area of supply to such hours as it may decide, and it may prohibit the use of water for any specific purpose or for any purpose other than specified, as the case may be.
- (2) Any person using water during prohibited hours or for prohibited purposes or purposes other than specified, as the case may be, after notification of such prohibition by the Council, shall be guilty of an offence in terms of this by-law.
- (3) For the purpose of this section “public notification” shall mean publication in each of the official languages in one or more issues of a newspaper circulating in the area of supply.

### **3.8. FAILURE TO SUPPLY WATER**

The Council shall not be liable for any failure to supply water or for any defect in the quality of the water supplied, however caused, or for the consequences thereof.

### **3.9. WATER PRESURE**

- (1) Subject to the provisions of this by-law, no undertaking or guarantee shall be presumed on the part of the Council to maintain any specified pressure of water at any time at any point in the Council’s water supply system.
- (2) Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the Council’s main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof: Provided that, subject to the provisions of this section, the Council may grant a supply to such premises from its main where such supply is available on such conditions as the Council may impose.

- (3) (a) Where in the circumstances set out in subsection (2) it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected to the Council's main.
- (b) The suction pipe of any such pump shall be connected to a storage tank supplied with water from the Council's main.
- (c) Such tank shall be constructed in accordance with the requirements of section 55 and shall have a minimum capacity of not less than one-eighth of the average daily requirement of the consumer, as determined by the engineer, or one hour's capacity of the pumping system, whichever is the greater.
- (d) Such tank shall be fitted with an inlet control valve of the correct size so set as to admit water to the tank from the Council's main at a rate equal to the average hourly requirement of the premises.
- (e) The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump or pump drive motors, or both in the event of stop-page of the supply of water from the Council's main.
- (f) Before the installation of any such pumping system, full details thereof shall be submitted to the engineer for approval and authorisation.

### **3.10. SALE OF WATER BY CONSUMERS**

No consumer shall –

- (a) sell any water supplied to him/her by the Council, except as provided in terms of section 13; or
- (b) take away or cause or permit to be taken away from his/her premises any such water except as provided for in **section .....**

### **3.11. SPECIAL PROVISIONS GOVERNING THE SUPPLY OF WATER BY POTABLE METER**

In addition to the provisions laid down in this by-law, the following special provisions shall apply to the supply of water by portable meter and shall be deemed to have been included in every agreement for such supply:

- (a) Where water is to be supplied by the Council from hydrants, the Council shall supply a portable meter for measuring such supply together with stand pipe, hydrant coupling, hose pipes and necessary unions for connection to the meter.

- (b) The consumer shall pay to the Council in advance the charge prescribed in the tariff in respect of each portable meter supplied, which charge shall be held by the Council as security for the due fulfilment of all provisions of any agreement relating to the supply of such meter and the payment by the consumer to the Council of the cost for all water supplied to him/her and all other charges due by him/her to the Council in terms of such agreement.
- (c) The charge for water so supplied and for the use of the portable meter shall be at the rate prescribed in the tariff.
- (d) All accounts for water so supplied shall be paid by the consumer to the Council within seven days of the date of rendition by the Council.
- (e) Where water is taken by the consumer from a hydrant without such water passing through a portable meter, or where water is wasted before passing through such portable meter, the charges prescribed in the tariff shall be paid by the consumer to the Council for every day during which water is so taken or such waste continues.
- (f) The consumer shall –
  - i) upon taking delivery of the portable meter, sign a receipt acknowledging such meter to be in good order and condition, and
  - ii) maintain and return such meter in the same good order and condition, fair wear and tear excepted.
- (g) If the consumer fails to return the portable meter, he/she shall pay to the Council the cost of a new meter, or if he/she returns such meter in a damaged condition, he/she shall pay to the Council the cost of a new meter or the cost of repairs if such damaged meter can be satisfactorily repaired.
- (h) The consumer shall take delivery of and shall return the portable meter to the Council at such place as the engineer may from time to time direct.

### **3.12. WATER SUPPLY FOR BUILDING PURPOSES**

- (1) Where, upon the application of any owner, builder or other person, a supply of water for building purposes is laid on to any premises, the cost of providing and fixing the communication pipe and the meter shall be borne by such owner, builder or other person in accordance with the prescribed tariff.
- (2) Such owner, builder or other person shall pay for water so supplied according to the tariff.

- (3) If suitable for the purpose, the same communication pipe as is supplied in terms of this section may be used for the permanent supply to the premises, but no connection in respect of such permanent supply shall be made with the water installation until all the provisions of this by-law have been complied with.

## **CHAPTER IV**

### **4. GENERAL PROVISIONS RELATING TO METERED SUPPLIES**

#### **4.1. PROVISION OF COMMUNICATION PIPE BY COUNCIL**

- (1) Upon an agreement having been entered into between the Council and any owner in regard to the supply of water to premises and after the relevant provisions of this by-law have been complied with, the Council shall provide, lay down and maintain a communication pipe to serve such premises: Provided that the position of the communication pipe shall be as determined by the engineer.
- (2) The sum payable by such owner in respect of such communication pipe shall be as prescribed in the tariff: Provided that in respect of any size or length of communication pipe not provided for in the tariff or in the cases where the tariff charge is insufficient to cover the cost of providing such communication pipe, the owner shall pay such sum as may be determined by the Council, having regard to the circumstances of the case.
- (3) Any amount due in terms of this section, shall be paid to the Chief Financial Officer in advance by the owner or consumer, as the case may be.

#### **4.2. SEPARATE COMMUNICATION PIPES FOR INDIVIDUAL PREMISES**

For the purpose of supplying water thereto, a separate communication pipe shall be provided in respect of each and every premises or portion thereof in separate occupation: Provided that –

- (a) one communication pipe only shall be permitted by the Council for the supply of water to a group or block of dwellings, flats, shops, offices or other buildings in single ownership where the owner or occupier thereof undertakes to pay for the water supplied to each of the buildings comprising such group or block;

- (b) where, in terms of paragraph (a), more than one building is supplied from one communication pipe, a stop tap shall be fixed on each branch pipe leading therefrom to each such building for the purpose of turning off the supply of water to each such premises without interrupting the supply to the others;
- (c) where a tap is fixed to a stand pipe from which water is intended to be supplied to more than one premises, such tap shall be an approved type of a self-closing tap.

#### **4.3. EACH PREMISES TO HAVE ONE COMMUNICATION PIPE ONLY**

No premises in single ownership shall be entitled to obtain a supply of water by means of more than one communication pipe: Provided that –

- (a) where it appears to the Council that hardship or grave inconvenience or other similar circumstance would otherwise result, the Council may permit such supply by means of more than one communication pipe;
- (b) where more than one communication pipe is permitted in terms of paragraph (a), a charge shall be made in accordance with the tariff for each additional communication pipe and meter.

#### **4.4. PROVISION OF METERS**

All meters shall be supplied by the Council: Provided that the size of the meter to be installed shall be within the sole discretion of the engineer.

#### **4.5. FIXING AND POSITIONING OF METERS**

- (1) The Council shall fix in the communication pipe a meter of a size to be determined by the engineer.
- (2) If so required by the Council, the consumer shall provide a suitable and safe place within his/her premises in which to fix the meter and the Council may install the meter in such place.
- (3) Any maintenance necessary in that portion of the communication pipe between the street boundary and the meter within the premises shall be carried out by the Council at the consumer's expense.

#### **4.6. PROVISION AND POSITIONING OF STOP COCK**

- (1) The Council shall, for its exclusive use, install a stop cock between the meter and the main.

- (2) The consumer shall, at his/her own expense, or the Council may in its discretion and at the consumer's expense and for his/her exclusive use, provide and install a stop cock at a suitable point on the communication pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on the consumer's side of the meter.

#### **4.7. COST OF INSTALLING METERS**

The consumer shall pay all charges in connection with the installation of any meter on his/her water installation as are prescribed in the tariff.

#### **4.8. OWNERSHIP OF METERS**

Any meter provided and installed by the Council in terms of this by-law, together with the fittings connected therewith, shall be and remain the absolute property of the Council, and such meter shall at all times be under the sole control of the Council.

#### **4.9. SAFE KEEPING OF METERS**

The consumer shall be responsible to the Council for the safe-keeping and condition of any meter installed upon his/her premises and shall be liable to the Council for any damage or injury which may be done to or sustained by such meter.

#### **4.10. INTERFERENCE WITH OR DAMAGE TO METERS**

- (1) No person other than the engineer or his/her duly authorised representative shall disconnect, interfere with or cause or permit any other person to disconnect or interfere with any meter or fittings connected therewith.
- (2) No person shall wilfully damage any meter or fittings connected therewith.
- (3) No person shall use or permit to be used on any water installation any fitting, machine or appliance which causes damage or is in the opinion of the Council likely cause damage to any meter.

#### **4.11. REPAIRS TO METERS**

In the event of repairs to any meter being found necessary, the Council shall effect such repairs to such meter as soon as possible.

#### **4.12. COST OF MAINTANANCE AND REPAIR TO METERS**

- (1) The Council shall, at its own cost and expense, maintain and repair any meter provided to the extent of ordinary wear and tear.
- (2) Where any repairs have become necessary in consequence of such meter having been wilfully or accidentally damaged by the consumer, the consumer shall be liable for the cost of such repairs, including the cost of removal and re-installation thereof, or substitution if necessary, and such cost shall be payable by the consumer on demand by the Council.

#### **4.13. SUBSTITUTION OF OTHER METER/S**

The Council may at any time at its own expense disconnect and remove any meter and install and substitute any other meter in its discretion.

#### **4.14. QUALITY OF WATER REGISTERED AND PAYMENT THEREFOR**

- (1) The quantity of water which shall be registered by the meter as having been supplied to any consumer shall be deemed to be the quantity actually so supplied.
- (2) A consumer shall pay to the Council the amount of any account rendered to him/her in terms of subsection 11(5) within the period stated in the tariff account.
- (3) If the consumer fails to make payment within the period referred to in subsection (2), the Council may without further notice discontinue the supply of water to him/her.

#### **4.15. ENTRY IN BOOKS OF COUNCIL BINDING**

In the absence of evidence showing either that the entry in the books of the Council has been incorrectly made or that the meter was at a time of such reading in default, every consumer shall be bound by the entry in the books of the Council, and it shall not be necessary to produce the person who read the meter, or the person who made any particular entry, in order to prove such reading or entry.

#### **4.16. DISSATISFACTION WITH METER READING**

- (1) If any consumer is at any time dissatisfied with any particular reading of a meter supplied by the Council and is desirous of having such meter tested, he/she shall give written notice to the Council within seven days after receipt of notice from the Council of such reading, and shall at the same time deposit with the Council the amount prescribed in the tariff, and thereupon the meter shall be tested forthwith by the Council.

- (2) If such meter is found to be registering correctly, the Council shall retain the amount deposited with it.
- (3) If such meter is found to be registering incorrectly, the Council shall refund the deposit to the consumer and shall reattach a meter in good working order without charge to the consumer, and the charge for water consumed during the three months preceding the reading in dispute, shall be adjusted in accordance with the degree of error found: Provided that, where such meter has been installed for a period of less than six months, such adjustment shall be over half such lesser period.
- (4) The meter shall be considered to be registering correctly if no error of more than the percentage over or under registration, prescribed in tariff, is found at the rate of normal flow. Normal flow shall mean two-thirds of the maximum flow capacity of the meter.

#### **4.17. FAILURE OF METER TO REGISTER**

- (1) Where any meter is found to have ceased to register or is found to be faulty in any other respect, the Council shall repair or replace such meter as soon as possible.
- (2) Unless it can be proved to the satisfaction of the engineer that a lesser or greater quantity of water has been consumed, the quantity of water to be paid for by the consumer from the date of reading of the meter prior to its failure to register or to register correctly up to the time of its repair or replacement shall be estimated by the Council on the basis of-
  - a) the average monthly consumption of water upon the premises served by the meter during the three months prior to the last registration, or if this is not possible,
  - b) the corresponding months consumption of water upon the premises in the previous year; or if this also is not possible,
  - c) the average monthly consumption of water upon the premises served by the meter over a period of three months after repair or replacement of the meter has been effected.

## **CHAPTER V**

### **5. PROVISIONS RELATING TO CONSUMER'S WATER INSTALLATION**

#### **5.1. PIPES ACROSS THE STREET**

- (1) No person shall, without the written permission of the Council first had been obtained and except under such conditions as the Council may prescribe, lay, fix, alter, construct or cause to be laid, fixed, altered or

constructed any pipe, channel or conduit on, in or under any street, public place or lands vested in or under the control of the Council for the purpose of conveying water, whether such water is derived originally from a municipal supply or from private sources of supply.

- (2) Any person receiving such permission from the Council shall, where a municipal supply is available for the premises, pay to the Council such rental for the pipe line as is prescribed in the tariff, no additional charge shall be made for the pipe line.
- (3) Where no municipal supply is available, any permission given shall be conditional upon the payment of the charges referred to in subsection (2) immediately upon a municipal supply becoming available.
- (4) Any such permission may be withdrawn by the Council on not less than one month's notice in writing under the hand of the engineer.

## **5.2. PROVISION OF WATER INSTALLATION**

Every owner or consumer shall, at his/her own expense, provide, install, lay down and maintain his/her own water installation.

## **5.3. COVERING OF WATER INSTALLATION**

When any water installation is being or has been installed or any alteration or extension of any existing water installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension, or cause, permit or suffer it to be covered, until it has been inspected and approved by the Council.

## **5.4. NOTICE TO INSPECT**

When any work as referred to in section 5.3 has been carried out, it shall be the duty of the owner or of any other person occupying or in control of the premises to notify the Council in writing of the fact that the work is ready for inspection by it in terms of that section.

## **5.5. INSPECTION AND APPROVAL OF WATER INSTALLATION AND ALTERATIONS THERETO**

- (1) No water installation shall be placed in use unless and until it has been inspected and a certificate of approval has been issued by the engineer or his/her duly authorised representative.
- (2) Every additional fitting of alteration to an existing water installation already connected to the Council's supply system, shall be subject to inspection by and approval of the engineer or his/her duly authorised representative, and shall in the event of a certificate of approval not being issued, be altered to comply with this by-law or be removed immediately.

## **5.6. PREPARATION OF WATER INSTALLATION FOR AND INSTALLATION OF METER**

- (1) Where the Council agrees to supply water by meter to any premises not previously so supplied, the consumer shall, at his/her own expense, prepare his/her water installation for the installation of the communication pipe and meter.
- (2) After the water installation has been prepared and approved by the engineer or his/her duly authorised representative, and after payment of the charges prescribed in the tariff, the Council shall connect the water installation to the communication pipe.

## **5.7. JOINTS**

No joints except standard screwed joints, wiped plumbing or other joints approved by the Council, shall be used on any water installation.

## **5.8. TAPS, BALL VALVES AND FLUSHING VALVES**

No tap, valve, water-mixer or other device for controlling or regulating the flow, pressure or temperature of water or other article shall be installed in any water installation unless:

- (a) it has been tested, approved and stamped by the Council; or
- (b) it bears the appropriate standardisation mark of the South African Bureau of Standards; or
- (c) where for any reason not connected with the quality thereof, the said Bureau is unable or unwilling to place its standardisation mark thereon but the Council is satisfied by means of tests carried out by the Council or any other competent authority that it complies with the requirements of the relevant standard specification of the Bureau notwithstanding that it does not bear the mark of the Bureau, and the Council has accordingly placed its stamp of approval thereon; or
- (d) it is certified or approved by the Agreement Board of South Africa and the Council has accordingly placed its stamp of approval thereon.

## **5.9. DEPTH OF WATER INSTALLATION PIPES BELOW THE GROUND**

All water installation pipes laid in the ground shall have a minimum cover of 400mm.

## **5.10. LAYING OF PIPES IN PLACES WHERE POLLUTION MIGHT RESULT**

No person shall lay or install any pipe which is to be supplied with water by the Council, through, in or into a sewer, drain, ash pit, manure hole or other

place where, in the event of the pipe becoming unsound, the water conveyed through such pipe would be liable to become polluted or to escape without observation, or make use for the above purpose of any pipe so laid or installed: Provided that where it is impractical to lay or install such pipe in any other manner than aforesaid, the part thereof so laid or installed shall be carried through a cast iron tube or box of sufficient length and strength and of such construction as will afford proper protection to the pipe in the interior thereof and render any leakage or waste therefrom readily perceptible.

#### **5.11. LEAKAGES OF TAPES OR PIPES**

- (1) No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such position that any leakage cannot readily be detected.
- (2) No consumer shall be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the water installation.
- (3) Any work or repair, digging or replacement, or any other operation which the Council undertakes to, or in respect of, its mains, including stop cocks, in order to enable a consumer to carry out repairs or other work to his/her own water installation, shall be undertaken by the Council at the consumer's expense.

#### **5.12. PIPES AND STAND PIPES TO BE SECURELY FIXED**

- (1) All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass.
- (2) All stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the engineer, in such a manner as to prevent undue movement of such stand pipe or pipes.

#### **5.13. CISTERN OR TANK IN GROUND**

No cistern or tank buried or installed in any excavation in the ground shall be used for the storage or reception of water supplied by the Council and intended for human consumption.

#### **5.14. TAPS FOR DOMESTIC USE**

Other than those discharging from the hot water system, taps to supply water for domestic purposes in dwelling houses or residential buildings or for drinking purposes or any other type of premises shall be connected to a water installation pipe at a point before such pipe enters a cistern or tank and shall not be supplied from any cistern or tank: Provided that in buildings

where a water supply is required above the level at which a regular and adequate supply is available from the mains, it may be taken from a tank or cistern which shall be constructed in accordance with the provisions of this by-law.

#### **5.15. CONNECTION OF SUNDRY APPARATUS**

- (1) No person shall cause or permit any water installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.
- (2) Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that the Council may approve of any such figment being connected direct to the water installation without the interposition of a cistern or break-pressure tank, where adequate means for the prevention of reverse flow or re-entry or water from such figment to the water installation are provided.

#### **5.16. CISTERN OR TANK**

- (1) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless:
  - (a) the cistern or tank is constructed of a material which in the opinion of the engineer is sufficiently strong for the purpose and capable of resisting corrosion;
  - (b) the cistern or tank is watertight, vermin proof and properly covered and ventilated;
  - (c) the cistern or tank is provided with access covers which shall be bolted down or locked in position at all times, except when opened for inspection;
  - (d) the inlet pipe to the cistern or tank is provided with a ball, tap or check valve of a type approved by the engineer;
  - (e) the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;
  - (f) a stop-cock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
  - (g) a brass sampling cock is fitted to the cistern or tank to enable the engineer to draw samples of the water stored therein when necessary for testing purposes;
  - (h) the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply

and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected.

- (2) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the engineer take immediate steps to drain the cistern or tank, clean it and disinfect it to the standards set by the engineer before re-filling and replacing in service.
- (3) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer shall adequately repair or entirely replace the tank or cistern within 60 days of receipt or written notice from the engineer to do so.
- (4) When a continuous supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

#### **5.17. OVERFLOW PIPE TO CISTERN OR TANK**

Every cistern or tank shall be provided with an overflow or waste pipe, the situation of which shall admit of the discharge of water being readily detected.

#### **5.17. CAPACITY OF CISTERN**

Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern holding not less than half a days supply calculated according to the average daily consumption.

#### **5.18. WATER – HEATING APPARATUS**

- (1) Every boiler, hot-water tank or other water-heating apparatus connected to a water installation pipe shall be of a type, design and material tested and approved by the Council and shall be provided with an unobstructed outlet or expansion pipe, safety valve or other pressure release device which is adequate for the release of excess pressure, and the design, specification and position of which have been approved by the Council and which releases either in to the open air in a position where water discharging can easily be detracted, or into the cistern supplying the water heating apparatus with water at a level above the level of the water in the cistern.
- (2) No person shall obstruct or perform any act which prevents or is likely to prevent the effective operation of any outlet of expansion pipe, safety valve or device referred to in subsection (1).

- (3) A permanent notice shall be displayed in a conspicuous position on every such water heating device directing attention to the danger of obstructing the outlet or other pipe or devise, as the case may be.

#### **5.19. MATERIAL OF CIRCULATING OR SUPPLYING PIPES**

Circulating or supply pipes for hot water may be of lead, galvanised iron or copper, except that where used for heating purposes only the pipes may be of black iron.

#### **5.20. DISTANCE BETWEEN INSTALLATION AND ELECTRIC WIRES**

- (1) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 mm of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any by-law or regulations for the supply and use of electrical energy and for the wiring of premises.
- (2) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 m of an electrical socket outlet, appliance or distribution board without the prior written approval of the head of the Council's electricity department.

## **CHAPTERS IV**

### **6. SPECIAL PROVISION RELATING TO FIRE EXTINGUISHING SERVICES**

#### **6.1. SPECIAL PROVISIONS**

Notwithstanding anything to the contrary contained in this Chapter, the provisions contained in the preceding Chapters shall *mutatis mutandis* apply to the supply of water for fire extinguishing service and shall be deemed to have been included in every agreement for such supply.

#### **6.2. PAYMENT FOR SERVICES**

The consumer and the owner of premises shall be jointly and severally liable to pay the charges prescribed in the tariff in respect of any fire-extinguishing installation or appliance use or installed upon such premises.

#### **6.3. COMMUNICATION PIPES FOR FIRE- EXTEGUISHING SERVICES**

- (1) All communication pipes which are intended for preventive or

automatic use in case of fire shall be laid by the Council as far as the boundary of the consumer's property.

- (2) Such communication pipes shall be used only for fire-extinguishing purposes.
- (3) No take-off of any kind from any such communication pipe shall be made nor shall any water therefrom be used other than in connection with automatic sprinklers and drenchers, hydrant connections or for the pressure tank connected therewith and such tank shall be controlled by a suitable ball tap.
- (4) A separate communication pipe shall be laid and used for every sprinkler, hydrant and domestic supply installation.

#### **6.4. VALVES IN COMMUNICATION PIPES**

Every communication pipe shall be fitted with a proper sluice valve which shall be:

- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the communication pipe; and
- (d) installed in such position as may be determined by the engineer.

#### **6.5. EXTENSION OF SYSTEM**

Without the written consent of the Council no further sprinklers shall be added or connected to any existing fire-extinguishing system after such system has been connected to the main.

#### **6.6. EXTENSION OF SYSTEM TO OTHER PREMISES**

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

#### **6.7. INSPECTION AND APPROVAL OF FIRE- EXTINGUISHING SYSTEM**

No water shall be supplied to any fire-extinguishing system until it has been inspected and the engineer or his/her duly authorised representative has certified in writing that such water installation complies to the requirements of this by-law and the work has been carried to his/her satisfaction.

#### **6.8. CONNECTION TO BE AT PLEASURE OF COUNCIL**

- (1) The Council shall be entitled in its absolute discretion to grant or

refuse an application for the connection of a fire-extinguishing installation to its main.

- (2) If in its opinion a fire-extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or in otherwise not being properly maintained, the Council shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the consumer's expense.

#### **6.9. METERS IN FIRE- EXTINGUISHING COMMUNICATION PIPES**

The Council shall be entitled to install a water meter in the fire-extinguishing communication pipe and the owner of the premises shall be liable for the whole of the cost in so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

#### **6.10. PROVISION OF PRESSURE GAUGE**

A pressure gauge indicating the water pressure in kPa shall be fixed on all fire-extinguishing systems inside the premises of the consumer.

#### **6.11. INSTALLATION OF REFLUX VALVE**

- (1) When a fire-extinguishing installation includes a fire-pump connection, a reflux valve of a type approved by the Council shall be fitted on the premises in an accessible position permitting of its ready inspection, repair and removal.
- (2) The said reflux valve shall be used to shut off the domestic supply from the Council's main whenever or for so long as the fire-pump connection is in use.
- (3) The said reflux valve shall be serviced as least once annually by a registered bona fide firm approved by the engineer as being capable of undertaking such work.
- (4) When called upon to do so by the engineer, the consumer shall produce a certificate from the said firm that the service has been done.

#### **6.12. SPRINKLER EXTINGUISHING INSTALLATION**

A sprinkler installation may be installed in direct communication with the main, but the Council shall not be deemed to guarantee any specified pressure of water at any time.

## **6.12. HEADER TANK OR DOUBLE SUPPLIES FROM THE MAINS**

- (1) Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the Council's main.
- (2) The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to that of the tank should the pressure in the main not be available for any reason.
- (3) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable, and shall not be led away by any downpipe to any drain.
- (4) Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.
- (5) The reflux valves installed in terms of subsections (2) and (4) shall be serviced annually as prescribed in subsection 71(3).
- (6) The header tank shall be drained and refilled at least once per annum and the engineer shall be advised at least 48 hours before the tank is due to be drained to enable an inspection to be arranged and made, if necessary.

## **6.13. ANNUAL CHARGES FOR SPRINKLER AND DRENCHER**

- (1) The annual charges prescribed in the tariff for the inspection and maintenance of the communication pipes leading from the Council's main to the boundary of a stand, erf or other area of land shall be payable in advance and shall become due in respect of every such pipe as soon as the Council has notified the owner of the land that the pipe has been laid and is ready for connection to a fire-extinguishing installation on the land.
- (2) The charges in terms of subsection (1) shall cover also the emptying and refilling of any tanks which may be necessary.

- (3) The charges to be paid in terms of subsection (1) shall be calculated according to the volume of the tank, regard being had to the level to which the tank is filled.

#### **6.14. ANNUAL CHARGES FOR PRIVATE HYDRANT INSTALLATION**

The annual charges in terms of the tariff for the maintenance of connections and the inspection of private hydrant installations, other than sprinklers, shall be paid in advance.

#### **6.15. SEALING OF PRIVATE FIRE HYDRANTS**

- (1) All private hydrants shall be sealed by the Council and such seals shall not be broken by any person other than the Council's officers in the course of testing, except for the purpose of opening the hydrant in case of fire.
- (2) The cost of resealing such hydrants shall be borne by the consumer except when such seals are broken by the Council's officers for testing purposes.
- (3) Any water consumed after the breaking of the seal, other than in the course of testing by the Council or in case of fire, shall be paid for by the consumer at the rates prescribed in the tariff for domestic purposes. The quantity thus consumed shall be determined by the engineer.

## **CHAPTER VII**

### **7. SPECIFICATIOIS AND PENALTIES**

#### **7.1. DIAMETER OF PIPES**

- (1) All diameters of pipes referred to in this Chapter relate to internal dimensions.
- (2) No water installation pipe shall be less than 12 mm in diameter.

#### **7.2. MATERIAL OF WATER INSTALLATION PIPES**

All water installation pipe shall be of galvanised iron, lead or copper:  
Provided that:

- (a) piping of other suitable material may be used subject to the written permission of the engineer first had been obtained;

- (b) piping of not less than 75 mm diameter may be of iron or steel coated internally and externally with Dr Angus Smith's or other suitable coating approved by the engineer.

### **7.3. IRON PIPES**

All steel or iron pipes shall be in accordance with the relevant South African Bureau of Standards Specification for medium or heavy pipes or other recognised standard specification approved by the Council.

### **7.4. LEAD PIPES**

All lead pipes shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Council for a working pressure of 750 kPa and shall, in addition, comply with the requirements of section 82.

### **7.5. COPPER PIPES**

All copper piping shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Council.

### **7.6. PIPES AND FITTINGS TO WITHSTAND 2000 kPa PRESSURE**

All communication pipes, water installation pipes and fittings shall be capable of withstanding an internal pressure of 2 000 kPa.

### **7.7. TAPS, BALL VALVES AND FLUSHING VALVES**

- (1) (a) Unless otherwise specified the component parts of flushing valves shall be of brass or gunmetal, or if hot pressings, of brass or manganese bronze, or in either case of an equally suitable corrosion-resisting alloy or other approved material.
- (b) All flushing valves shall be of a waste-preventing type, shall have a flushing capacity as provided and, subject to the provisions of section 5.4, shall be connected to the flush pipe.
- (c) Parts of flushing valves intended for screwing shall have standard metric right hand threads and parts of all fittings of the same size and intended for the same purpose shall be interchangeable.
- (d) All flushing valves shall be tested to withstand a pressure of 2 000 kPa without leaking or sweating.

- (e) The name or registered trade-mark of the makers shall be stamped on all flushing valves.
  - (f) Self-closing taps which are of a non-concussive type approved by the Council and which will not cause damage to the meter and fittings and which have been tested, approved and stamped may be installed.
  - (g) The external form of bath or wash hand basin taps shall be optional to suit any particular style of bath or wash hand basin.
- (2) Without prejudice to the provisions of **section 5.8**, the fees prescribed in the tariff shall be payable for the testing and stamping of taps, ball valves, flushing valves and other fittings.

### **7.8. OFFENCES AND PENALTIES**

Any person contravening or failing to comply with any provision of this by-law shall be guilty of an offence and liable on conviction to a fine not exceeding R\_\_\_\_\_ or to imprisonment for a period not exceeding \_\_\_\_\_ months and in the case of a continuing offence, to a further fine not exceeding R\_\_\_\_\_ for every day during the continuance of such offence after a written notice from the Council has been issued, and for a second or subsequent offence liable on conviction to a fine not exceeding R\_\_\_\_\_ or to imprisonment for a period not exceeding \_\_\_\_\_ months.

## **CHAPTER 8**

### **8. REPEAL CLAUSE**