

**SCHEDULE**

**BUILDING REGULATIONS AND BUILDING STANDARD BY-LAW.**

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## 1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), the National Building Regulations promulgated thereunder and the User's Code for the application of the National Building Regulations, SABS 0400/1990.

**"adequate" or "effective"** means adequate or effective in the opinion of the Municipality;

**"approved"** means approved by the Municipality, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

**"anti-siphonage pipe"** means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphonage or backpressure;

**"building material"** means material or debris or rubble which may result from the construction, renovation or demolition of any building or other structure and includes, but is not limited to, wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of building material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or other structure;

**"cleaning eye"** means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of the drainage installation;

**"communication pipe"** any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of this by-law, as far as the inlet of the meter;

**"connecting sewer"** means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer system;

**"connection"** means the point where a drain is connected to the connecting sewer;

**"conservancy tank"** means a tank which is used for the retention and temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Municipality;

**"consumer"** means the occupier of any premises with whom or which the Municipality has contracted to supply water or the owner or any person who has entered into a contract with the Municipality for the supply of water or who is lawfully obtaining water from the Municipality;

**"day"** means a working/business day

**"drain"** means that portion of a drainage installation other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the connecting sewer or to a common drain or a conservancy tank or septic tank which is situated on the premises;

**"drainage installation"** means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;

**"drainage work"** means the construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but must not include any work undertaken solely for purposes of repair or maintenance;

**"gully"** means a pipe fitting incorporating a trap into which waste water is discharged;

**"industrial effluent"** means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including any mining operation, and includes any liquid besides soil-water, waste-water or storm-water,

**"main"** means any pipe, aqueduct or other work under the exclusive control of the Municipality and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.

**"Municipal Manager"** means the person appointed as Municipal Manager by the Municipal Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended and includes a person acting in this position.

**"Municipality"** means the Matjhabeng Local Municipality and/or any duly authorized committee or official of Matjhabeng Local Municipality;

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

- (a) a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- (b) in case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in relation to –
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

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

- (a) a general plan or diagram registered in term of the Land Survey Act, 1927 (Act No. 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or
- (b) a sectional plan registered in term of the Sectional Titles Act, 1986 (Act No. 95 of 1986)

**"problem building"** means as referred to in section 8

**"purified effluent"** means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;

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

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

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

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

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

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

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

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

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

"**tariff**" means the tariff of charge regarding the Municipality's approved tariff per applicable financial year, as determined by the Municipality from time to time in terms of Section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other applicable law;

"**Temporary Structure**" means a non-fixed structure constructed purely on temporary basis which does not affect the structural integrity of any other buildings and is without a permanent foundation or footing wholly within the erf boundary and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased, unless identified as a permanent structure on inspection;

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

"**vacant stand**" for the purpose of this by-law shall also mean erf – any land, whether vacant, occupied or building thereon;

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

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

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

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

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

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

## 2. Scope of By-Law

This by-law applies to every building, sewerage installation and/or water installation, and, regarding sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing development, whether or not required by the Municipality to be made or altered in terms of the National Building Regulations or this by-law.

## 3. Cat-heads, cranes and platforms

Cat-heads, lifting cranes, platforms and other such contrivances must not overhang any street or sidewalk without the prior written consent of the Municipality. **Charge – R 2000.00**

## 4. Slab footways or pavement

- 1) The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.
- 2) Paving or slabs must be laid to the grade, line and cross-fall pointed out by the Municipality and must conform to the following further requirements:
  - (a) For ordinary paving or slabs, the minimum cross-fall must be 1:100 and the maximum cross-fall 1:25. **Charge – R 500**
  - (b) Non-skid paving or slabs of a type to be approved by the Municipality must be used for cross-falls between 1:25 and 1:15 provided that the maximum cross-fall must not exceed 1:15. **Charge – R 500**
  - (c) Longitudinal grades must not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade must not exceed 1:15. **Charge – R 500**
- 3) When carriage openings are formed in kerbs and cross footways or pavements, such openings must be paved or slabbed. **Charge - R 1000.00**
- 4) The Municipality may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

## 5. Planting on footways and sidewalks

- 1) The owner or occupier of an erf adjoining a street may, at his or her own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
- 2) The owner or occupier of an erf aforesaid may plant flowers or small shrubs in a strip of land not exceeding 1 meter in width immediately adjoining the said erf, subject to not impeding on the movement of pedestrians.
- 3) Planting/grading on footways and sidewalks may not impede the movement of pedestrians. **Charge - R 3000.00**
- 4) The Municipality may impose such conditions as it deems necessary, with regards to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

## 6. Street gutter bridged

No person must bridge over or enclose any gutter or storm water drain under the control of the Municipality without the prior written consent of the Municipality. **Charge – R 10 000**

## 7. Encroachments

- 1) A cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof. **Charge - R 5000**
- 2) Foundations of a boundary wall that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,2m.
- 3) Foundations of any structures built on a boundary should have a boot-foundation.
- 4) Sunshades and overhead lamps may exceed a street boundary or building line: provided that there is a head clearance of at least 2.1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps. **Charge - R 5000**
- 5) On business zoned properties, eaves projections may exceed the street boundary or building line.
- 6) If no prior approval for such encroachment, the owner of the erf must within 14 days after receipt of a notice issued in accordance with section 43, demolish the encroaching structure. **Charge - R 10 000**
- 7) Should the owner fail to demolish the encroaching structure within the time period, referred in subsection (6), the Municipality may demolish the encroaching structure and the owner will be liable for the reasonable cost associated with such demolition.
- 8) Encroachments onto mid-block service lanes, public open spaces, street/road reserves are subject to a consent from the Municipality and that no permanent structures be erected thereon. **Charge - R 5000**
- 9) No encroachments are allowed without the prior written approval of the Municipality, which is subject to a formal application. **Charge - R 5000**

## 8. Identification and declaration of problem buildings and vacant stands

- 1) Problem building means a building or portion of a building which –
  - a. is dilapidated in an appearance or is showing signs of becoming unhealthy, unsanitary, unsightly, or objectionable;
  - b. has been abandoned by the owner, or appears to have been abandoned by the owner, regardless of whether rates or services charges are being paid;
  - c. is overcrowded;
  - d. has been Hijacked;
  - e. has been the subject of one or more written complaints, charges or convictions regarding criminal activities being conducted in the building, as confirmed in writing by a member of the South African Police Services or Officials of the Municipal Public Safety;
  - f. Illegally Occupied;
  - g. Has refused or waste material unlawfully accumulated, dumped, stored or deposited;
  - h. Has been unlawfully erected or has a part which has been unlawfully erected;
  - i. Has been changed and its subsequent usage is unauthorized;
  - j. Is partially completed, or structurally unsound or showing signs thereof, and is or may be a threat or danger to life and property; or
  - k. Is in contravention of one or more of the Municipal by-laws.
- 2) In the event that the Municipality is of the opinion that a building/vacant stand should be declared as problematic, it must serve a written notice to the owner or must display a notice on the building/vacant stand.
- 3) The authorised official may, subject to subsections (2) to (10), if a building/stand falls within the definition of “problem building” as defined in subsection 1, declare such building/vacant stand a problem building or problematic/vacant stand.
- 4) The authorised official shall, by notice in writing, before declaring such building/vacant stand a problem building/stand, inform the owner of his or her intention to declare such building/vacant stand a problem building/vacant stand, giving the reasons for such declaration.
- 5) The authorised official may carry out an investigation in respect of a building/vacant stand which he or she intends to declare a problem building/vacant stand as contemplated in subsection (3), provided that he or she must display a notice of such investigation on the building/vacant stand concerned.
- 6) The authorised official shall give the owner a period of seven (7) days to make representations on why the building/vacant stand should not be declared a problem building/vacant stand.
- 7) The authorised official shall, after considering the representations referred to in subsection (4), take a decision either to declare or not to declare a building/vacant stand a problem building/stand.
- 8) In the event the municipality decided to declare a building/vacant stand to be a problematic building/vacant stand, the municipality must give a written notice to the owner together with reasons.
- 9) Failure to adhere to notices in terms of section 43, accumulative penalties as per the charge list will apply. **Charge - R 5000**
- 10) The owner shall, in respect of a declaration in terms of subsection (6), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- 11) Any property which is regarded as a natural heritage resource, shall be dealt with in terms of relevant provisions of the National Heritage Act, Act 2 of 1999.

## 9. Building material

- 1) During construction, building materials may be stored temporary on a sidewalk, subject to a formal application. **Charge - R 1 500**

- 2) Application for extension of such period indicating the intended construction period, at the specified fee, may be applied for by means of a written application and motivation. **Charge - R 5000**
- 3) After construction, building materials may not be stored on sidewalks without the prior approval of the Municipality and not for a period exceeding 10 days. Extension of the period to remove building material, at the specified fee, may be applied for by means of a written application and motivation. **Charge - R 5000**
- 4) Failure to remove building material constitutes an offence which will result in fines and penalties that may be added to the property rates & taxes account of the owner/responsible person if no proof of payment of such fine is provided.
- 5) All building materials must be SABS approved. Failure to comply may result in fines to the amount of R 5000 and/or penalties which may include the demolition of structures as referred to in Section 7.
- 6) The Municipality is exempted from any death, damage, loss or destruction of any kind that may come as a result of non-SABS approved materials and/or poor workmanship.

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

- 1) No building must without the prior permission of the Municipality be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Municipality, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse. **Charge - R 10 000**
- 2) For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

#### 11. Minimum erf size

- 1) Subject to the Land Use Scheme of the Municipality and any other legislation, all erven within the jurisdiction of the Municipality must be at least 100m<sup>2</sup> in size.
- 2) For the erection of a new structure on an erf that exceeds 500 m<sup>2</sup>, engineering plans are required.

#### 12. Restriction of additional buildings

- 1) No person may erect a building additional to a building already approved by the Municipality; Provided that the Municipality may grant approval for such building subject to the applicable legislation. **Charge - R 5 000**
- 2) If no prior approval for such building was obtained, the owner of the erf must within 14 days after receipt of a notice issued in accordance with section 43, demolish the building. **Charge - R 5 000**
- 3) Should the owner fail to demolish the building within the time period, referred in subsection (2), the Municipality may after obtaining a court order, demolish the building and the owner will be liable for the reasonable cost associated with such demolition.
- 4) Building activities that require approval from the Municipality **Charge - R 5 000**:
  - (a) No structure must without express permission of the Municipality be erected as contemplated in section 4(1) of NBRC or this by-law.
  - (b) The Municipality should be consulted before the deviation to approved plan occurs during the construction in order to determine whether it would be considered for approval when amendment plan is submitted.
- 5) Building activity that requires approval of the Municipality includes the following **Charge - R 5 000**:
  - (a) Construction of all new permanent buildings of any area;
  - (b) All other structures exceeding 10 m<sup>2</sup> such as tool sheds or wendy house, builders sheds, temporary structures, containers, towers, solid fuel stores of any area, prefabricated buildings, open-sided car ports or boatshed or caravan shelter of any area, poultry sheds or aviaries of any area, all boundary walls or fences excluding diamond mesh, driveways
  - (c) Awnings or canopies exceeding 900 mm horizontal projection
  - (d) Swimming pools, koi ponds or any other water feature exceeding depth of 0.3 m;
  - (e) Extension to existing building whether residential, commercial and industrial;
  - (f) Undertaking alteration to an existing building includes structural alteration of internal walls, partitioning, changing the use of rooms within the building;
  - (g) Installing new or altering existing services, such as sewer, water, storm-water, electrical hydraulic works;
  - (h) demolition of building, engineering works or services, installing signage, communication mast and some fences.
- 6) Requirements prior to construction:
  - (a) Any proposed use or development on demarcation of the land within Matjhabeng jurisdiction requires approval of the Municipality in terms of submission of building plans. For the purpose of this requirement, the Municipality reserves the authority to determine the position of building lines, municipal services such as water, sewer, electrical etc.
  - (b) Therefore the Municipality is responsible for the following in accordance to the this By-law:
    - (i) processing and approval of building plans of residential, commercial, industrial and including municipal/state owned buildings or developments;
    - (ii) inspection of building construction from time to time and declare the building fit for occupation on completion
    - (iii) control illegal building construction, prepare reports, issue notices and initiate legal action;
    - (iv) issues temporary permits for temporary structures, placement of building materials

- (c) Applications will not be accepted or assessed until all relevant plans, elevations and supporting documents are submitted and the appropriate application fee has been paid.
- (d) All applications are subject to pre-scrutiny by Land-Use Management and Committee before formal submission.
- 7) As per the National Building Regulations and Building Standards Act, Act No. 103 of 1977, any approval granted by the Municipality in respect of any application shall lapse after the expiry of a period of 12 months as from the date on which it was granted unless the erection of the building in question is commenced or proceeded with within the said period or unless the Municipality has extended the said period at the request in writing of the applicant concerned.

### 13. Relay of storm water from a high lying erf to a lower lying erf

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

### 14. Enclosures

Where any erf is enclosed in whichever manner, such enclosure must be designed, erected and maintained according to sections 15 and 16. **Charge - R 5 000**

### 15. Height restrictions **Charge - R 5 000**

- 1) No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 1.8m without the approval of the Municipality.
- 2) Apart from the provisions of subsection (1) hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.8m.
- 3) Height restrictions pertaining to structures are regulated per zoning as stipulated in the Matjhabeng Land Use Scheme 2022, as amended.

### 16. Design and appearance **Charge - R 5 000**

- 1) An enclosure which is visible from an adjacent street or public open space must comply with the following conditions:
  - (a) All surfaces which are visible from such street or public open space must –
    - (i) be skillfully finished;
    - (ii) be of good quality material;
    - (iii) be without defect; and
    - (iv) have an exposed or finished side;
  - (b) Surfaces visible from such street or public open spaces, must be aesthetically pleasing.
  - (c) If such enclosure is made of precast material and is visible from such street or public open space, it must be aesthetically pleasing. If wood forms part of such enclosure, it is thoroughly treated with a wood-preserving agent.
- 2) An enclosure, as provided in sub section (1) which is visible from any adjacent erf, must comply with the following requirements:
  - (a) All surfaces fronting on the adjacent erven must be –
    - (i) skillfully finished;
    - (ii) of good quality material;
    - (iii) without defect; and
    - (iv) maintenance free
  - (b) If applicable, the struts, posts and columns of such an enclosure must show on the owner's side.
  - (c) If wood forms part of such enclosure, it must be thoroughly treated with a wood-preserving agent.
- 3) Notwithstanding the provisions in this by-law -
  - (a) the enclosure, as provided in subsection (1), must, within a distance of 1.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Municipality so requires;
  - (b) barbed wire or similar wire and safety spikes in any area, must be visible from any street, public open space or adjacent erf;
  - (c) the enclosure must be properly maintained to the sole satisfaction of the Municipality. The height of any enclosure or wall will be measured from natural ground level.

### 17. Roofs

Roof covering which is used for roofing and is visible from the street or surrounding erven must be properly installed and maintained. **Charge - R 5 000**

### 18. Connection to sewer

- 1) No part of any drainage installation must extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain at his or her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- 2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises must 7 days before the drainage installation on his



or her premises be ready for connection to a connecting sewer, and advise the Municipality of his or her intention to do so. As soon as the Municipality has provided the connecting sewer, he or she must connect the drain to it at his/her own expense.

- 3) Any alternative or additional connection required by the owner must be subject to the approval of the Municipality and is effected at the owner's expense. **Charge - R 10 000**
- 4) No person must permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer. **Charge - R 10 000**
- 5) Save as may be otherwise authorized by the Municipality in writing, no person other than an official duly authorized to do so, may lay and connect any connecting sewer to the existing sewer. **Charge - R 10 000**
- 6) The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Municipality.

#### **19. Disconnection of Drainage Installations and Conservancy or Septic Tanks**

- 1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Municipality may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Municipality may consider necessary, regard being to all the circumstances of the case.
- 2) After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Municipality must issue a written acknowledgement to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation must cease to be raised with effect from the first day of the month following the issue of such written acknowledgement: provided that, until such written acknowledgement is issued by the Municipality, any such charges must continue to be raised.
- 3) When a drainage installation is disconnected from a sewer, the Municipality must seal the opening so made and must recover from the owner the cost of such work.
- 4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (3), is guilty of an offence. **Charge - R 10 000**
- 5) Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Municipality, can be connected to a sewer, must be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

#### **20. Drainage Work which does not comply with the Requirements**

- 1) Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or this by-law, the owner must, on receipt of a written notice by the Municipality to do so and notwithstanding the fact that he may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify. **Charge - R 5 000**
- 2) When, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his or her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- 3) Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Municipality may, by notice in writing, require the owner to carry out, within the period specified by such notice, any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- 4) The Municipality may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right to also prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or this by-law, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these bylaws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).
- 5) Where any work other than that for which a fixed charge has been determined, is undertaken by the Municipality, the costs of which it is entitled in terms of these bylaws to recover from any person, there may be included in such costs such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

\*\*\*\*\*Engineering Planning to provide inputs

#### **21. Maintenance**

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

#### **22. Drainage and Sewer Blockages**

- 1) No person must cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation. **Charge - R 10 000**
- 2) When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he must forthwith inform the Municipality of the facts and take steps to have it cleared.

- 3) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (5), be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work. **Charge - R 5 000**
- 4) Any plumber or registered person as aforesaid must, before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to do so, and must when he or she has done so, notify the Municipality of that fact and of the nature, location and cause of the said blockage.
- 5) The Municipality must, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 20(5).
- 6) Should the clearing by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement thereof.
- 7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage and the Municipality may recover such cost from the owner in accordance with Section 20(5).
- 8) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage is recoverable in the first place in equal portions from each of the owners thereof, who must however, be jointly and severally liable for the whole charge.  
**\*\*\*\*\*Engineering Planning to provide inputs**

### 23. Interference with or Damage to Sewers and Water Care Works

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or this by-law must be rectified or repaired by the Municipality at the expense, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

**\*\*\*\*\*Engineering Planning to provide inputs**

### 24. Entry onto Premises

- 1) An official authorized by the Municipality has the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Municipality may deem necessary.
- 2) Any owner or occupier of premises who denies or causes or instructs any other person to deny entry to premises to any official demanding the same in terms of subsection (1), or who obstructs or causes or instructs any person to obstruct such official in the performance of his or her duties, or who withholds or causes or instructs any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or instructs any other person to give to the official any information which is to his/her knowledge false, is guilty of an offence. **Charge - R 5 000**  
**\*\*\*\*\*Engineering Planning to provide inputs**

### 25. Manholes on Municipal Property

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

### 26. Mechanical Food-Waste or other Disposal Units

- 1) No person must incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Municipality installs and seals at the cost of the owner and to which the Municipality has the right of access at all times, has been connected into the supply pipe which provides water to the unit. **Charge - R 10 000**
- 2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Municipality, is functioning inefficiently or which may impair the working of the Municipality's sewerage system.
- 3) The owner must, upon the removal of any such unit or grinder, notify the Municipality in writing within 14 days of its removal. **Charge - R 5 000**
- 4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (1).  
**\*\*\*\*\*Engineering Planning to provide inputs**

### 27. Sewage or other Pollutants not to enter Storm water drains

- 1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, must provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm



water drain or watercourse except where, in the case of steam, the Municipality has specifically permitted such discharge.

**Charge - R 10 000**

- 2) Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Municipality, likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or to contribute towards the pollution of any such watercourse, the Municipality may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

\*\*\*\*\*Engineering Planning to provide inputs

## 28. Storm water not to enter Sewers

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

**Charge - R 5 000**

\*\*\*\*\*Engineering Planning to provide inputs

## 29. Discharge from Swimming Pools

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

**Charge - R 5 000**

\*\*\*\*\*Engineering Planning to provide inputs

## 30. Permission to Discharge Industrial Effluent

- 1) No person must discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Municipality or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission. **Charge - R 15 000**
- 2) Every person must, before discharging any industrial effluent or other liquid substance into a sewer, make application in writing to the Municipality for permission to do so on the prescribed form, to be completed in duplicate, and must thereafter furnish such additional information and submit such samples as the Municipality may require. **Charge - R 15 000**  
\*\*\*\* Application form?
- 3) The Municipality may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Municipality and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- 4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer system must, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Municipality in writing of the date on which it is proposed that the change must take place and of the nature of the proposed change. **Charge - R 5 000**
- 5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer system without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and be liable to such charge as the Municipality may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- 6) Without prejudice to its rights in terms of subsection (5) or of Section 31(3)(c), the Municipality is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 30 or which has been the subject of an order issued in terms of Section 30(2), the whole cost of expenses or charges incurred or to be incurred by the Municipality or of losses suffered or to be suffered as a result of any or all of the following:
  - (a) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
  - (b) A prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended, or any action against the Municipality consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Municipality.
- 7) Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the National Water Act, 1998 (Act No. 36 of 1998), or as a result of any amendment of this by-law or due to any other reason, the Municipality may from time to time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, must forthwith apply.

\*\*\*\*\*Engineering Planning & Health Inspectors to provide inputs

## 31. Control of Industrial Effluent

- 1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment

or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of this by-law. **Charge - R 15 000**

- 2) The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, must obtain prior written permission from the Municipality. **Charge - R 5 000**
- 3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her, subject to any other provision of the National Building Regulations or this by-law, to do all or any of the following: **Charge - R 15 000**
  - (a) to subject the effluent before it is discharged into the sewer, to such pre-treatment as will ensure that it will at all times conform in all respects with the requirements of this by-law or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Municipality is necessary to enable any water care works receiving the said effluent, whether under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act No. 36 of 1998);
  - (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the said restrictions;
  - (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Municipality, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
  - (d) to construct at his or her own expense any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe;
  - (e) to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: Provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand (CODJ) or permanganate value (PV) and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Municipality may use such alternative method of assessment as it may deem expedient and the charge to be levied is assessed accordingly;
  - (f) to provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff; and
  - (g) for the purposes of subsection (f) to provide and maintain at his or her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the property and discharged as industrial effluent into the sewer.

\*\*\*\*\*Engineering Planning & Health Inspectors to provide inputs

### 32. Metering and Assessment of the Volume and Composition of Industrial Effluent

- 1) The Municipality may incorporate, in such position as it determines in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it is an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: Provided that the Municipality may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.
- 2) The Municipality is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- 3) The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes must: **Charge - R 5 000**
  - (a) register such borehole or well with the Municipality; \*\*\*\*\*Notice to register boreholes or wells.
  - (b) provide the Municipality with full particulars of the discharge capacity of the borehole or well; and
  - (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of this by-law.

\*\*\*\*\*Engineering Planning & Health Inspectors to provide inputs

### 33. Prohibited Discharges

- 1) No person must discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which: **Charge - R 15 000**
  - (a) in the opinion of the Municipality, may be offensive to or may cause a nuisance to the public;
  - (b) is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
  - (c) has a pH value less than 6.0 or greater than 10.0;
  - (d) contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
  - (e) contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;

- (f) contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) exceeds any of the limits or concentrations of substances specified in the Annexure: Provided that the Municipality may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Municipality is satisfied that, in the circumstances, the discharge of such substance will not:
  - (i) damage any sewer, mechanical appliance, water care works or equipment; or
  - (ii) prejudice the use of sewage effluent for re-use; or
  - (iii) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (j) contains any substance of whatsoever nature which, in the opinion of the Municipality:
  - (i) is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
  - (ii) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998); or
  - (iii) whether listed in the Annexure or not, either alone or in combination with other matter may:
    - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Municipality's sewers or manholes in the course of their duties; or
    - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
    - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

2)

- (a) Any person receiving from an official duly authorized thereto by the Municipality a written order instructing him to stop the discharge into the sewer of any substance referred to in subsection (1), must forthwith stop such discharge within 7 days. **Charge - R 15 000**
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of subsection (2)(a), is guilty of an offence.
- (c) Notwithstanding the provisions of subsection (2)(b), should any person have failed to comply with the terms of an order served on him or her in terms of subsection (2)(a) and such discharge is likely, in the opinion of the Municipality, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this by-law, in which event the person responsible for the discharge must forthwith stop it, or if he or she fails to do so, the Municipality may prevent him from proceeding with the discharge.

\*\*\*\*\*Engineering Planning & Health Inspectors to provide inputs

#### 34. Connection from mains

- 1) All communication pipes which are intended for preventive or automatic use in case of fire must be laid by the Municipality as far as the boundary of the consumer's property.
- 2) Such communication pipes must be used only for fire extinguishing purposes. **Charge - R 10 000**
- 3) No take-off of any kind is made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank must be controlled by a suitable ball tap.

\*\*\*\*\*Fire Department to provide inputs

#### 35. Valves in Communication Pipes

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

#### 36. Additions to System

No further sprinkler must be added or connected without the prior written consent of the Municipality to any existing fire extinguishing system after such system has been connected to the mains. **Charge - R 5 000**

\*\*\*\*\*Fire Department to provide inputs

#### 37. Extension of System to other premises

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

\*\*\*\*\*Fire Department to provide inputs

### 38. Inspection and approval of Fire Extinguishing Service

No supply of water must be made or given until the fire extinguishing system has been inspected and the Municipality has certified in writing that such service is in accordance with this by-law and the work has been carried out to the Municipality's satisfaction

\*\*\*\*\*Fire Department to provide inputs

### 39. Connection to be at pleasure of the Municipality

Connection to the mains is at the pleasure of the Municipality, which is entitled to disconnect any fire extinguishing services at any time.

\*\*\*\*\*Fire Department to provide inputs

### 40. Installation of Reflux Valve

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

\*\*\*\*\*Fire Department to provide inputs

### 41. Sprinkler system for fire distinguishing

- 1) A sprinkler system may be installed in direct communication with the main, but the Municipality must not be deemed to guarantee any specified pressure of water at any time.
- 2) When an automatic sprinkler system has been installed and completed, the owner must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system. **Charge - R 5 000**

\*\*\*\*\*Fire Department to provide inputs

### 42. Header tank or duplicate supply from mains

In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which must discharge in such a position as to be readily observable, and must not be led away by any down-pipe to any drain. **Charge - R 5 000**

\*\*\*\*\*Fire Department to provide inputs

### 43. Notices

- 1) Every notice, order or other document issued or served by the Municipality in terms of this by-law is valid if signed by the Municipal Manager or an official of the Municipality duly authorized thereto by the said Municipal Manager.
- 2) If a notice is to be served on a person in terms of this by-law, such service is effected by:
  - (a) delivering the notice to him or her personally or to his or her duly authorized agent;
  - (b) delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
  - (c) If he or she has nominated an address for legal purposes, by delivering the notice to such an address;
  - (d) registered or certified post addressed to his or her last known address.
  - (e) in the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate; or
- 3) If service cannot be effected in terms of subsection (2), it can be done by affixing a notice to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.
- 4) Any notice, order or other document served in terms of this by-law on any person must be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his or her last known residence or place of business or by posting it to him or her by registered post.
- 5) In every notice, order or other document issued or served in terms of this by-law, the premises to which it relates must be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.
- 6) The Municipality shall after all reasonable steps have been taken and all attempts exhausted to locate and cause the owner to comply with the provisions of this by-law and related legislations, accordingly, expropriate any problem building or vacant stand only for a public purpose or in the public interest.
- 7) No person shall occupy, use or permit the occupation or use of any problem building or vacant stand or continue to occupy, use or permit, the occupation or use of any problem building or vacant stand in respect of which a notice was served or delivered in terms of this section or steps were taken by the municipality in terms of subsection (2), unless he or she has been granted permission by municipality in writing that such building may be occupied or used or continue to be occupied or used, as the case may be. **Charge - R 5 000**

### 44. Offences and Fines/Penalties

- 1) Any person who contravenes any provision, or fails to comply with any notice issued in terms of this By-law commits an offence if he or she:
  - (a) Fails or refuses to comply with a compliance notice
  - (b) Fails to comply with any lawful instructions given in terms of this by-law;
  - (c) Threatens, resists, interferes with or obstructs any authorized officials in the performance of his or her duties or functions in terms of or under this by-law; or
  - (d) Deliberately furnishes false or misleading information to an authorized official, is guilty of an offence.
- 2) Any person who is convicted of an offence under this by-law is liable to
  - (a) A fine as per Annexure B, of an amount not exceeding R1,000,000.00 (One Million Rand)

- (b) Imprisonment for a period not exceeding three years;
  - (c) Both such fine and imprisonment contemplated in paragraphs (a) and (b)
  - (d) Where applicable, deprivation of property ownership as contemplated in paragraph 43.6 of this bylaw.
- 3) In the case of a continuing offence, a person is liable to pay:
- (a) an additional or accumulative fine as per Annexure B, of an amount not exceeding R 50 000.00, for every month thereafter, in accordance with the Annexure B; or
  - (b) may be imprisonment for a period not exceeding ten days for each day on which such offence continued.
- 4) In addition to any penalty imposed in terms of subsections (1), (2) and (3), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.
- 5) All fines/penalties must be paid within 30 days from the date of issue of such fine/penalty.
- 6) Failure to make payment may result in the disconnection, forced demolitions or any other steps as may be deemed necessary by the Municipality.

\*\*\*\*\* Legal & Finance Department inputs

**45. Repeal of By-Laws**

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

**46. Short Title**

This by-law is called Matjhabeng Municipal Building Regulations and Building Standard By-law, 20....



## ANNEXURE A

### LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of Section 29(1) of these by-laws:

- (1) The limits of the PV, pH and electrical conductivity of sewage are as follows:
- (a) PH-within the range 6,0-10,0;
  - (b) Electrical conductivity not greater than 300m/Sm at 20°C.
- (2) The maximum permissible concentrations of pollution expressed in milligrams per liter [mg/l] are as follows:
- (a) GENERAL:
    - (i) PV-not to exceed: 1 400mg/l;
    - (ii) Caustic alkalinity (expresses as CaCO<sub>2</sub>): 2 000 mg/l;
    - (iii) Substances in suspension (including fat, oil, grease, waxes and like substance); 2 000mg/l;
    - (iv) Substances soluble in petroleum ether. 500mg/l;
    - (v) Sulphides, hydro-sulphides and polysulphides (expressed as S): 50mg/l;
    - (vi) Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works (expressed as HCN): 20mg/l;
    - (vii) Formaldehyde (expressed as HCHO): 50mg/l;
    - (viii) Phenolic compounds: 1.0mg/l;
    - (ix) Non-organic solids in suspension: 100mg/l;
    - (x) Chemical oxygen demand (COD): 5 000mg/l;
    - (xi) All sugars and/or starches (expressed as glucose): 1 500mg/l;
    - (xii) Available chlorine (expressed as Cl): 100mg/l;
    - (xiii) Sulphates and sulphites (expressed as SO<sub>4</sub>): 1 800mg/l;
    - (xiv) Fluorine-containing compounds (expressed as F): 5mg/l;
    - (xv) Anionic surface activators: 500mg/l;
    - (xvi) Orthophosphate (expressed as P): 10mg/l.
  - (b) METALS
    - (i) Group 1:
      - (aa) Chromium (expressed as Cr);
      - (bb) Copper (expressed as Cu);
      - (cc) Nickel (expressed as Ni);
      - (dd) Zinc (expressed as Zn);
      - (ee) Silver (expressed as Ag);
      - (ff) Cobalt (expressed as Co);
      - (gg) Cadmium (expressed as Cd);
      - (hh) Manganese (expressed as Mn),

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

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

The total collective concentration of the metals in Group 3 (expressed as indicated above) in any sample of the effluent must not exceed 20mg/l.
  - (c) RADIO-ACTIVE WASTE:

Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department: Provided that, notwithstanding the requirements set out above in this Annexure, the Municipality reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises: Provided further that the method of testing in order to ascertain the concentration of any substance mentioned above is the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in the Annexure, may ascertain the details of the appropriate test from the Municipality.

\*\*\*\*\*Fire Department, Engineering Planning, Dept of Health to provide inputs

## ANNEXURE B

### MATJHABENG LOCAL MUNICIPALITY'S BUILDING REGULATIONS AND BUILDING STANDARD BY-LAW CHARGE LIST

No.	Wording	Informed by Section	Amount
1	Cat-heads, lifting cranes, platforms and other such contrivances overhang any street or sidewalk without the prior written consent of the Municipality	Sec. 3 read with Sec. 44 of this By-law	R 2,000.00
2	Paving or slabs are not laid to the grade, line and cross-fall as pointed out by the Municipality.	Sec. 4(2)(a) – (c) read with Sec. 44 of this By-law	R 500.00
3	Carriage openings formed in kerbs and cross footways or pavements are not paved or slabbed.	Sec. 4(3) read with Sec. 44 of this By-law	R 1,000.00
4	Planting/grading on footways and sidewalks impeding on the movement of pedestrians.	Sec. 5(3) read with Sec. 44 of this By-law	R 3,000.00
5	Gutter or storm water drain under the control of the Municipality bridged over or enclosed without the prior written consent of the Municipality.	Sec. 6 read with Sec. 44 of this By-law	R 10,000.00
6	A cantilevered overhanging roof erected over the street boundary or building line, at a height less than 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof.	Sec. 7(1) read with Sec. 44 of this By-law	R 5,000.00
7	Sunshades and overhead lamps exceeding a street boundary or building line with a head clearance less than 2.1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps.	Sec. 7(4) read with Sec. 44 of this By-law	R 5,000.00
8	The owner of an erf does not demolish a non-approved encroaching structure within 14 days after receipt of a notice issued in accordance with section 43.	Sec. 7(6) read with Sec. 44 of this By-law	R 10,000.00
9	Encroachments onto mid-block service lanes, public open spaces, street/road reserves are not approved by the Municipality or are a permanent structure.	Sec. 7(8) read with Sec. 44 of this By-law	R 5,000.00
10	Any encroachments without the prior written approval of the Municipality.	Sec. 7(9) read with Sec. 44 of this By-law	R 5,000.00
11	Failure to adhere to notices in terms of section 43 for problem buildings/vacant stands.	Sec. 8(9) read with Sec. 44 of this By-law	R 5,000.00
12	Building materials stored on a sidewalk during construction without the consent of the Municipality.	Sec. 9(1) read with Sec. 44 of this By-law	R 1,500.00
13	Building materials stored on a sidewalk longer than the intended construction period, as previously approved Municipality, without an approved extension of period.	Sec. 9(2) read with Sec. 44 of this By-law	R 5,000.00
14	After construction, building materials stored on sidewalks without the prior approval of the Municipality and/or exceeding a period of 10 days without an approved extension of period.	Sec. 9(3) read with Sec. 44 of this By-law	R 5,000.00
15	A building erected within the one-in-fifty-year flood line without the prior permission of the Municipality	Sec. 10(1) read with Sec. 44 of this By-law	R 10,000.00
16	An additional building, to an existing approved building, is erected without the prior consent of the Municipality	Sec. 12(1) read with Sec. 44 of this By-law	R 5,000.00
17	A non-approved additional building is not demolished within 14 days after receipt of a notice issued in accordance with section 43.	Sec. 12(2) read with Sec. 44 of this By-law	R 5,000.00
18	Building activities taking place without the approval of the Municipality.	Sec. 12(4) & (5) read with Sec. 44 of this By-law	R 5,000.00
19	Enclosure of an Erf is not designed, erected and maintained according to the height; and design and appearance restrictions and conditions.	Sec. 14, 15 & 16 read with Sec. 44 of this By-law	R 5,000.00
20	Roof covering which is used for roofing and is visible from the street or surrounding erven are not properly installed and maintained.	Sec. 17 read with Sec. 44 of this By-law	R 5,000.00
21	Alternative or additional connection to a sewer without the approval of the Municipality.	Sec. 18(3) read with Sec. 44 of this By-law	R 10,000.00
22	Using any substance other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.	Sec. 18(4) read with Sec. 44 of this By-law	R 10,000.00
23	An unauthorised person lay and connect any connecting sewer to the existing sewer.	Sec. 18(5) read with Sec. 44 of this By-law	R 10,000.00
24	Any person who breaks or removes or causes or permits the breakage or removal of any seal (for a disconnected drainage installation) without the permission of the Municipality.	Sec. 19(4) read with Sec. 44 of this By-law	R 10,000.00

25	The owner, on receipt of a written notice by the Municipality with regards to required drainage work, does not carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.	Sec. 20(1) read with Sec. 44 of this By-law	R 5,000.00
26	A person cause or permits accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting which will cause sewer blockage or ineffective operation of a sewer.	Sec. 22(1) read with Sec. 44 of this By-law	R 10,000.00
27	Work for the removal of a blockage of a sewer undertaken by or under the supervision of a person who is not a plumber or registered person as required in the National Building Regulations.	Sec. 22(3) read with Sec. 44 of this By-law	R 5,000.00
28	A owner or occupier of premises denies or causes or instructs any other person to deny entry to any official demanding to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation or who obstructs or causes or instructs any person to obstruct such official in the performance of his or her duties, or who withholds or causes or instructs any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or instructs any other person to give to the official any information which is to his/her knowledge false	Sec. 24 read with Sec. 44 of this By-law	R 5,000.00
29	A person who incorporates into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Municipality installs and seals at the cost of the owner and to which the Municipality has the right of access at all times, has been connected into the supply pipe which provides water to the unit.	Sec. 26(1) read with Sec. 44 of this By-law	R 10,000.00
30	The owner, upon request from the Municipality to remove any Mechanical Food-Waste or other Disposal Units unit or grinder, did not notify the Municipality in writing within 14 days of the requested removal.	Sec. 26(2) read with Sec. 44 of this By-law	R 5,000.00
31	The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, did not provide the necessary facilities to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except.	Sec. 27(1) read with Sec. 44 of this By-law	R 10,000.00
32	A person discharging or cause or permit to be discharge any storm water or any substance other than sewage into a drainage installation.	Sec. 28 read with Sec. 44 of this By-law	R 5,000.00
33	Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises is discharged into a drainage installation without the prior written consent of the Municipality.	Sec. 29 read with Sec. 44 of this By-law	R 5,000.00
34	A person discharging or cause or permit to be discharge into any sewer, any industrial effluent or other liquid or substance other than soil-water or wastewater without the prior written permission of the Municipality.	Sec. 30(1) & (2) read with Sec. 44 of this By-law	R 15,000.00
35	A person to whom permission has been granted to discharge industrial effluent into a sewer system did not before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Municipality in writing of the date on which it is proposed that the change must take place and of the nature of the proposed change.	Sec. 30(4) read with Sec. 44 of this By-law	R 5,000.00
36	The owner or occupier of any premises from which industrial effluent is discharged into a sewer, does not provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of this by-law.	Sec. 31(1) read with Sec. 44 of this By-law	R 15,000.00
37	The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, did not obtain prior written permission from the Municipality	Sec. 31(2) read with Sec. 44 of this By-law	R 5,000.00
38	The owner or occupier did not meet the requirements of a notice served by the Municipality on which industrial effluent is discharged as per Section 31(3) of this by-law.	Sec. 31(3) read with Sec. 44 of this By-law	R 15,000.00
39	The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes did not:	Sec. 32(3) read with Sec. 44 of this By-law	R 5,000.00

	(a) register such borehole or well with the Municipality; (b) provide the Municipality with full particulars of the discharge capacity of the borehole or well; and/or		
40	A person discharged or cause or permitted the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance as stated in Section 33(1) of this by-law.	Sec. 33(1) read with Sec. 44 of this By-law	R 15,000.00
41	Any person receiving from an official duly authorized thereto by the Municipality a written order instructing him to stop the discharge into the sewer of any substance referred to in Sec. 33(1), did not stop such discharge within 7 days.	Sec. 33(2) read with Sec. 44 of this By-law	R 15,000.00
42	Such communication pipes (as a result of connections from the mains) are used for any other purpose than for fire extinguishing purposes.	Sec. 34(2) read with Sec. 44 of this By-law	R 10,000.00
43	Further sprinkler are added or connected without the prior written consent of the Municipality to any existing fire extinguishing system after such system has been connected to the mains.	Sec. 36 read with Sec. 44 of this By-law	R 5,000.00
44	When an automatic sprinkler system has been installed and completed, the owner did not advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.	Sec. 41(2) read with Sec. 44 of this By-law	R 5,000.00
45	In the event of a header tank being installed above ground level, it was not provided with an overflow pipe to discharge in such a position as to be readily observable, and/or was led away a down-pipe to a drain.	Sec. 42 read with Sec. 44 of this By-law	R 5,000.00
46	A person occupying, using or permitting the occupation or use of any problem building or vacant stand or continue to occupy, use or permit, the occupation or use of any problem building or vacant stand in respect of which a notice was served or delivered in terms of the by-law, without the permission of the municipality in writing that such building may be occupied or used or continue to be occupied or used, as the case may be.	Sec. 43(7) read with Sec. 44 of this By-law	R 5,000.00