

TERMS AND CONDITIONS FOR THE SUPPLY OF WASTE WATER BY MIDSTREAM ELECTRICAL SUPPLIES (PTY) LTD (No 2003/018629/07) TO CONSUMERS IN MIDSTREAM BUSINESS AREA WITHIN THE LOCAL COUNCIL BOUNDARIES AND APPLICABLE BYLAWS WILL APPLY

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Definitions

1. (1) In these Bylaws, unless the context otherwise indicates "adequate" or "effective" means adequate or effective in the opinion of MES, 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.

"applicant" means any person who makes an application.

"application" means an application contemplated in section 4 of the National Building Regulations and Building Standards Act, 1977 or in terms of section 12 to these Bylaws.

"approval" means approval by MES.

"approved" means approved by MES in writing.

"block plan" means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of any existing and proposed buildings and drainage installation or portion thereof.

"common drain" means that portion of a drainage installation which conveys sewage other than or in addition to the sewage which emanates from the site through which such drainage installation runs.

"connecting sewer" means a pipe vested in MES, which connects a drainage installation to a sewage disposal system as shown in annexure A: Schematic diagram of sanitation layout.

"conservancy tank" means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals.

"council" means the Greater East Rand Metro trading as Ekurhuleni Metropolitan Municipality established in terms of section 12(1) read with section 14(2) of the Local Government : Municipal Structures Act, 1998 and promulgated in notice no. 6768 of 2000, Gauteng Extraordinary no. 141 dated 1 October 2000.

"cycle" means any period of one calendar month commencing on the first of the month to the last day of the same month.

"exceptional cases" means a drainage installation different to the layout in annexure A where the ownership will be determined by MES, and the owner or occupier will comply with any conditions that it may have imposed.

"domestic effluent" means sewage consisting of soil water or wastewater or a combination of both.

"drain" means that portion of a drainage installation, other than soilwater pipes, wastewater pipes, ventilation pipes and antisiphonage pipes which is not vested in MES and which is laid in the ground and used or intended to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank.

"drainage installation" means an installation vested in the owner of a site and which is situated on such site and which is intended for the reception, conveyance storage or treatment of sewage and may include sanitary fixtures, discharge pipes, drains, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith as shown in annexure A: Schematic diagram of sanitation layout.

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

"industrial effluent" means any liquid whether or not containing water in solution which is given off in the course of or as a result of any industrial trade, business, commercial, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water or storm water ending up in MES sewer network or disposal of in a legal manner.

"inspection eye" means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need to be providedL

"load" means the product of the concentration of an element in the effluent, (expressed in grams per litre) and the total volume of effluent over a fixed period of 24 hours (expressed in mega litre) and is expressed in ton / dayL

"manhole" means a chamber of a depth greater than arm length and such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drainL
"metropolitan area" means the area indicated by map no. 1 in the Provincial General Notice no. 6396 dated 13 September 2000, and all revisions thereafterL

"MES" means Midstream Electrical Supplies (Pty) Ltd (no 2003/018629/07) which may, for the purpose of these conditions, also be the service authority;

"objectionable matter" means matter that is causing objection or any other material or specified substance deemed to be offensive to a person or MESL

"official" means any person duly appointed by MES to act on his behalf or authorized by MES to administer these bylawsL

"off peak periods" means the period between 21h00 before midnight and 5h00 after midnightL

"occupier" means in relation to any premises (a) the person in actual occupation thereofL(b) the person legally entitled to occupy the premisesL(c) the person having the charge or management of the premisesL
"owner" means in relation to any premises, the person in whose name the premises is registered and includes (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacityL(b) if the premises are leased and registration in a deed registry is a prerequisite for the validity of the lease, the lesseeL (c) the owner's authorised agent or a person receiving the rent of the premises in question on behalf of the ownerL or (d) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vestedL

"piece of land" means any piece of land registered in a deeds registry as an erf, stand, lot, plot or other area, or as a portion or a subdivision of such erf, stand, lot, plot or other area, or any defined portion, not intended as a public place of a piece of land proclaimed as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operationsL

"plumber" means any person who in the trade of plumbing has, in terms of the Manpower Training Act 1981 (Act 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiencyL
"professional engineer" means engineer registered in terms of section 19 of the Engineering Profession Act, 2000 (Act 46 of 2000)L

"SABS" means in these regulations %SABS+followed by a number or a number and a title, is a reference to the specification of the indicated number published by the council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of MES at any time during official office hoursL

"sanitation services" means the range of services that MES provide to the owner or occupier in the metropolitan area to which water is permanently supplied, and from which waste water and soil water is discharged, however the range of services might change from time to time as MES may decideL

"schematic diagram of sanitation layout" means layout drawing in annexure A to these Bylaws that show the drainage installation connected to the connecting sewer which dispose the sewage into the sewage disposal systemL

"sewage" means wastewater, soil water, industrial effluent and other liquid waste, either separately or in combination, but shall not include storm waterL

"sewage disposal system" means a pipe, conduit or fixture which is the property of or is vested in MES and which is used or intended to be used for the reception and conveyance of sewage as shown in annexure A: Schematic diagram of sanitation layoutL

"septic tank" means any tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial actionL

"spill water" means any spillage of water from a water carrying deviceL

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

"stormwater drain" means a pipe, conduit of surface channel situated on a site, which is used to convey storm water to a suitable point of dischargeL

"street" means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge which (a) is vested in MESLor (b) the public has the right to useLor (c) is shown on a general plan of a township filed in a deeds registry or a survey or general's office and has been provided or reserved for use by the public or the owners of erven in such townshipL

"street boundary" in relation to a site means the boundary of such site that abuts any streetL

"treasurer" means the Council's treasurer or any other officer authorised to act on his behalfL

"treated effluent" means the liquid effluent discharged from a sewage treatment worksL

"waste food" means food disposed of as a result of any business or commercial activityL

"waste water" means used water not contaminated by spill water or industrial effluent and shall not include storm waterL

"sewage tariff" means in relation to the metropolitan area, the tariff of charges, fees and other moneys determined by the Council and applied by MES.

(2) Reference to the singular also implies plural, male also implies female and reference to a natural person also implies legal entities.

CHAPTER 1

PROVISIONS RELATING TO THE SUPPLY OF SANITATION SERVICES BY MES

2. Discharge to sewerage disposal system

(1) No person shall discharge, or permit the discharge or inflo into the sewage disposal system of any sewage or other substance (a) which does not comply with the standards and criteria prescribed in these BylawsL(b) which contains any substance, elements or a combination thereof in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foamL(c) which may prejudice the reuse of treated sewage or adversely affect any of the processes whereby sewage is purified for reuse, or treated to produce sludge for disposalL(d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plantL(e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998)L(f) which may cause danger to the health or safety of any person

or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by MES or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these Bylaws and (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.

(2) No person shall cause or permit any stormwater to enter the sewage disposal system.

(3) MES may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these Bylaws.

(4) If any person contravenes any provision of subsection 2(1), subsection 2(2) and subsection 2(3) he or she shall within twelve hours, or earlier if possible, advise MES of the details of the contravention and the reasons for it.

3. Unauthorised drainage work

(1) No person shall in any manner interfere with any sewage disposal system or connecting sewer.

(2) No person shall break into or interfere with any part of a drainage installation other than for the purpose of repair or maintenance.

(3) Any person who causes or permits to be caused the carrying out of any unauthorised work contemplated in this regulation shall be guilty of an offence.

4. Unlawful drainage work

(1) Where a drainage installation has been constructed without compliance with the provisions of these Bylaws, applicable acts or any other regulations concerning the submission and approval of plans the owner shall, on receiving written notice by MES to do so, comply with the said instructions in the said notice within the period prescribed in that notice.

(2) Where any drainage installation, has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these Bylaws other than those referred to in subsection 4(1) the owner shall, on receiving written notice by MES to do so and notwithstanding that he may have received approval of plans in respect of the said installation or work, carry out such alterations to the installation, remove such parts thereof and carry out such other work as, and within the time which, the notice may specify.

(3) MES may proceed itself to carry out any such alterations, removals or other work as it may deem necessary for compliance with these Bylaws and may recover the cost thereof from the owner by the ordinary process of law.

(4) Should MES at any time become aware of any drainage installation which does not comply with the provisions of these Bylaws or that any provision thereof has or is being contravened it may, subject to the provisions of subsections 4(1), 4(2) and 4(3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and recover from the owner the appropriate tariffs.

5. Duty of maintenance

(1) The owner or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon up to the connecting sewer.

(2) The owner or occupier shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon up to the point as determined by MES in exceptional cases where drainage installation is connected to the sewage disposal system.

(3) Where two or more owners or occupiers use any part of a drainage installation (for example common areas) they shall be jointly and severally liable in terms of this section for the maintenance and repair of the same.

6. Prevention of blockages

No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any drainage installation as will block it or prevent its effective operation including the common areas when used.

7. Clearing of blockages

(1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to MES, or make the necessary arrangement to get the blockage repaired and to prevent any health risk to a person or animal.

(2) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection 7(5), be done by or under the supervision of a plumber.

(3) Any plumber as aforesaid shall before proceeding to remove any blockage from a drainage installation notify MES by telephone or otherwise of his intention to do so only if necessary when by opening this blockage it might influence the sewage disposal system, and shall when he has done so notify MES of that fact and of the nature and cause of the said blockage.

(4) MES itself shall, whether or not it has been requested by the owner to do so, be entitled at its own discretion to give notice to the owner or occupier to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with the tariff determined by MES.

(5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewage disposal system, and MES be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff determined by MES.

(6) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two or more pieces of units, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall, however, be jointly and severally liable for the whole charge.

8. Emission of gas or entry of sewage

(1) When in the opinion of MES a nuisance exists owing to the emission of gas from a drainage installation, MES may require the owner, at his own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.

(2) Where any sewage, after being discharged into a drainage installation, enters into the sewage disposal system whether by reason of surcharge, back pressure or any other circumstance, MES 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 of sewage and to prevent any recurrence thereof.

9. Work by MES

(1) Where any owner or occupier has been required by MES by notice in terms of these Bylaws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, MES may, without prejudice to its right to act against him for the contravention of these Bylaws, proceed itself to carry out the work and may recover by the ordinary process of law applicable to the recovery of a civil debt the entire cost of so doing from the owner or occupier to whom the notice was directed.

(2) Where any work other than that, for which a tariff is determined by MES, is done the cost thereof will be recovered from the owner or occupier or any other person causing or necessitate such work to be done.

(3) Any damage caused to MES's sewage disposal system by the noncompliance with or contravention of any provision of these Bylaws shall be repaired by MES at the expense of the owner or occupier or any other person responsible for the noncompliance or contravention.

10. Interference with sewer

No person except a person authorised by MES to do so shall break into, enter or in any other manner whatsoever interfere with any sewage disposal system, or any part thereof, whether or not situated on property owned or controlled by MES, intended for the conveyance or treatment of sewage and which is vested in it.

11. Obstruction and false information

(1) An official authorised by MES shall have 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 it may deem necessary.

(2) An owner or occupier of the premises who deny entry to premises to any official demanding the same under subsection 11(1) or who obstructs or causes or suffers any other person to obstruct any such official in the performance of his duties, or who withholds or causes or suffers 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 suffers any other person to give to the official any information which is to his knowledge false shall be guilty of an offence.

CHAPTER 2

CONDITIONS FOR THE SUPPLY OF SANITATION SERVICES

12. Application for the supply of sanitation services

- (1) No person shall gain access to the sewage disposal system or a sanitation service, unless he or she applied to MES on the prescribed form for such service for a specific purpose and to approve a connecting sewer and the cost as prescribed in the tariff has been paid in full.
- (2) Application may be made to MES by or on behalf of the owner or occupier of any premises (a) for the initial connection of any piece of land to a sewage disposal system or (b) for a reconnection to the sewage disposal system where a previous service agreement in respect of the premises has been terminated.
- (3) An application in terms of subsection 12(1) shall be made on the form provided by MES for this purpose and shall be submitted to MES in the case of an application for a connection, at least 28 days.
- (4) Where application is made for the initial connection of any premises to sewage disposal system, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of subsection 12(1) the applicant shall pay MES the amount determined by MES for an initial connection or a reconnection to the sewage disposal system.
- (6) The connection of a consumer to the sewer system by MES shall be subject to the provisions of these Bylaws.
- (7) Sanitation services rendered to a consumer are subject to the provisions of these Bylaws.

13. Disconnection

- (1) Except for the purpose of carrying out any maintenance work or repair, no drainage installation shall be disconnected from any other drainage installation or from a sewage disposal system without the prior written approval of MES after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 14.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless MES shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of MES.
- (3) Due notice in writing in advance of any intended disconnection shall be furnished to MES who shall, after the requirements of this section have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these Bylaws and that any sewerage charges levied in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate.
- (4) When a drainage installation is disconnected from a sewer, MES shall seal the connecting sewer and shall recover from the owner the tariff determined for such work.
- (5) Any person, who, without the permission of MES breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection 13(4), shall be guilty of an offence.

14. Termination of service

MES may disconnect a drainage installation from the sewage disposal system and remove the connecting sewer if .

- (1) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewage disposal system within a period of 180 days of such termination or
- (2) the building on the piece of land concerned has been demolished.

CHAPTER 3

GENERAL PROVISIONS RELATING TO SEWER CONNECTIONS

15. Connections to sewer

(1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof to which it belongs is erected provided that where it considers it necessary or expedient to do so.

(2) No person shall permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the same shall have been connected to the sewage disposal system.

(3) Save as may be otherwise authorised by MES in writing no person other than an official duly authorised to do so shall connect any drainage installation to the sewage disposal system.

CHAPTER 4

GENERAL PROVISIONS RELATING TO DRAINAGE INSTALLATIONS

16. Standard specifications and codes of practice applicable

For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the MES may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

17. Provision of drainage installation

Notwithstanding any other stipulations in these Bylaws, every owner or occupier shall, at his own expense, provide, install, lay down and maintain his own drainage installation to the conditions.

18. General requirements for design and construction of drainage installation

(1) Where any drainage installation is required in terms of these regulations MES may permit or require the design and construction of a drainage installation, subject to the requirements contained in the National Building Regulations and Building Standards Act (Act 103 of 1977).

(2) Any drainage installation or service pipe shall be designed and constructed in such a way that (a) only pipes and fittings be specified and installed that will be able to withstand (i) the corrosion which may be caused by the sewage conveyed in the installation (ii) any corrosive conditions, which may be related to soil conditions on the premises (b) the installation be functional to the users of the building (c) all components and materials used on the installation are watertight (d) the installation will not cause any danger to the health of the users of the building (e) that all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage (f) should a leak or a pipe burst occur, it would not jeopardise the structural safety of the building.

(3) No person shall connect to a drainage installation a fitting or apparatus which causes or is likely to cause damage to the sewage disposal system.

19. Materials, pipes, fittings and components

(1) Only SABS approved materials, fittings and components shall be used in any drainage installation, unless written approval has been obtained from MES.

(2) Notwithstanding anything to the contrary in these Bylaws or any relevant SABS standards and codes, MES may determine that only pipes, joints and fittings of specified materials shall be used.

20. Cleaning, inspection and testing of drainage installation

(1) Every drainage installation shall be properly cleaned, inspected and tested in accordance with this section.

(2) Every drainage installation subject to the process stipulated in this section, on completion shall (a) be properly cleaned to remove any foreign matter (b) be inspected by the official authorized by MES (c) be tested under pressure

(3) At least 2 working days notice shall be given to MES for the purpose of any inspection to be carried out in terms of subsection 20(2)(b).

(4) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the sewage disposal system or an existing approved installation, any one or more or all of the following tests shall in the presence of an official authorised by MES, be applied and withstood to the satisfaction of MES:

(a) The interior of every pipe or series of pipes between two points of access shall be inspected appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed (b) A smooth ball having

a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end. (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm of water for a period of at least three minutes.

(5) The aforesaid tests shall be carried out by an official authorized by MES and the apparatus therefore shall be supplied at no expense to MES.

(6) Where MES has reason to believe that any drainage installation or any part thereof has become defective it may require the owner or occupier thereof to conduct, at no expense to MES, any or all of the tests prescribed in this section and if the installation fails to withstand any such tests to the satisfaction of MES, MES may call upon the owner or occupier to carry out at his own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of the said tests.

21. Covering of drainage installation

When any drainage installation is being or has been installed or any alteration or extension of any existing drainage 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 MES.

CHAPTER 5

OTHER DISCHARGES

22. Sewage or other prohibited discharges not to enter stormwater drains

(1) No owner or occupier or any other person shall discharge or cause or permit to be discharged any sewage directly or indirectly into a stormwater drain, river, stream or other watercourse, whether natural or artificial.

(2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, stormwater drain or water course except where, MES has specifically permitted such discharge in writing.

(3) Where the hosing down, discharge from a container or possible flushing by rainwater of an open area on any premises is in the opinion of MES likely to cause the discharge of objectionable matter into any street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial, or to cause and contribute towards the pollution of any such watercourse, MES may, by notice in writing, instruct the owner of the premises to execute at his own cost whatever measures it may consider necessary to prevent or minimise such discharge or pollution.

(4) If a person fails to adequately comply with the notice in terms of subsection 22(3) or fails to comply within the specified time, then MES may take the measures it considers necessary to remedy the situation at the cost of the owner.

(5) Any person who keeps, conveys or handles any substances which may, in the opinion of MES, either directly have a negative impact on any storm water drainage system and the environment must take adequate precautions to prevent such occurrences.

(6) In addition to any other tariff which may be payable in terms of this Bylaw or any other National law, an inspection fee will be levied at the discretion of MES if anything other than stormwater or objectionable matter is discharged from the premises.

(7) The inspection fee referred to in subsection 22(6) is payable, jointly and severally, by the owner, occupier or person in control of or using the premises, or the person having control of the said operation.

23. Prohibited discharges

(1) No person shall discharge or cause or permit the discharge into any sewage disposal system of any sewage, industrial effluent or other liquid or substance (a) which in the opinion of MES may be offensive to or may cause a nuisance to the public (b) which is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer (c) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous, corrosive or offensive gases or vapours in any sewer (d) which contains any substance having an open flashpoint of less than 93°C or

which gives off a poisonous vapour at a temperature below 93°C (e) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a water treatment works (f) which shows any visible signs of tar or associated products or distillates, bitumen or asphalt (g) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorinating or an undesirable odour or colour, or excessive foam (h) which contains any substance specified in the said relevant tariffs in concentration greater than those there listed. Provided that MES may approve or limit such smaller or greater limits or concentrations in respect of any such substance 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 MES is satisfied that in the circumstances the discharge of such substance would not (i) harm or damage any sewer, mechanical appliance, sewage treatment works or equipment (ii) prejudice the use of sewage effluent for reuse or (iii) adversely affect any waters, into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent.

Please note: The relevant noncompliance charge as specified in the tariff structure is applicable to all the specified limits as set out in the tariff. (i) which contains any substance of whatsoever nature which in the opinion of MES (i) is not amenable to purification or treatment at the sewage treatment 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 purification or treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the National Water Act, 1998 (Act 36 of 1998), as amended or (iii) whether listed in the relevant Appendix to the tariff structure or not, either alone or in combination with other matter may generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering MES's sewage disposal system or manholes in the course of their duties.

(2)(a) Any owner or occupier receiving from MES a written order instructing him or her to stop the discharge to the sewer of any substance referred to in subsection 23(1), shall forthwith stop such discharge. (b) Any owner or occupier who contravenes the provisions of subsection 23(1), or who fails to comply with an order issued in terms of subsection 23(2)(a), shall be liable to pay an inspection fee as prescribed in the tariffs. (c) Notwithstanding the provisions of subsection 23(2)(b), should any person comply with the terms of subsection 23(2)(a) if such discharge is likely in the opinion of MES to seriously prejudice the efficient operation of any sewage treatment works, MES may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewage disposal system until such time as the industrial effluent complies in all respects with MES's requirements as prescribed in terms of these Bylaws, in which event the discharge shall forthwith be stopped by the owner or occupier responsible for the discharge or by MES in the event of his or her failure to do so.

CHAPTER 6

GENERAL PROVISIONS

24. Stormwater not to enter sewers

(1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being sewage, can enter the installation without the intervention of human action.

(2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.

(3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any drainage installation.

25. Discharges from swimming pools

(1) No person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, stormwater drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool.

(2) Water from swimming pools situated on a private piece of land may be discharged to a drainage installation during off peak periods.

(3) Water from fountains and reservoirs can only be discharged if arrangements have been made with MES during off peak periods.

26. Private treatment plants

No person shall construct, fix, maintain or operate any septic tank, French drain, conserving tank or other plant for the treatment, disposal or storage of sewage without the written consent of MES.

27. Offences and penalties

(1) Without prejudice to any provision of these Bylaws wherein an offence is expressly specified, owner, occupier or any other person who contravenes or fails to comply with any provision of these Bylaws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding three months, and on any subsequent conviction to a fine not exceeding the determined amount or, in default of payment, to imprisonment as aforesaid.

(2) Any person who fails to comply in any respect with any notice served on him by MES directing him to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which noncompliance continues and he shall be liable in respect of each offence as aforesaid to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding six months.

(3) Infringement of Bylaws . Any owner or occupier having or using upon his premises, and any person providing, installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fail to comply with the requirements of these Bylaws shall be guilty of an offence under these Bylaws.

28. Scope of bylaws

(1) These Bylaws shall apply to every drainage installation, and in particular to the design and construction of such an installation in any new building or existing building, to any installation required by MES to be constructed and to alterations or additions to an existing drainage installation whether or not required by MES to be made in terms of these Bylaws.

(2) Every drainage installation shall both during its construction and on its completion be subject to such inspection, approval, tests and control as MES shall deem fit or require.

29. Right of appeal

(1) Any person aggrieved by any decision given or act done by any official in terms of these Bylaws in connection with a drainage installation or any work connected therewith, shall have the right to appeal to the committee of MES appointed to supervise the administration of these Bylaws or if there is no such committee to MES itself.

(2) Notice of intention to appeal in terms of subsection 29(1) shall be given to MES within seven days of the decision or act complained of and shall be followed within a further fourteen days by a full statement of the appellant's case in writing to be furnished by the appellant to MES.

30. Notices

(1) Every notice, order or other document issued or served by MES in terms of these Bylaws shall be valid if signed by an official of MES duly authorised thereto.

(2) Any notice, order or other document served in terms of these Bylaws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it in which case it shall be deemed to have been served five days after it was posted.

(3) Every notice, order or other document issued or served in terms of these Bylaws shall specify the premises to which it relates, but may refer to the person for whom it is intended as "the owner" or "the occupier" if his or her name is not known.

31. Tariffs

Sewage tariffs determined from time to time, by MES in terms of the relevant legislation.