



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$13.89

WINDHOEK - 5 May 1998

No. 1854

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## General Notices

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### MUNICIPALITY OF MARIENTAL

No. 93 1998

#### SEWERAGE AND DRAINAGE REGULATIONS

The Council of the Municipality of Mariental has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the Sewerage and Drainage Regulations as set out in the Schedule.

**BY ORDER OF THE COUNCIL**  
**D.D. GUIBEB**  
**CHAIRPERSON OF THE COUNCIL**

Mariental, 14 April 1998

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#### **Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992), shall bear that meaning and, unless the context otherwise indicates -

“accommodation unit”, in relation to any premises, means any building or section of a building occupied or used or intended for occupation or use for residential, business or industrial purposes or any other purpose;

“approved” means approved by the Engineer in writing;

“Act” means the Local Authorities Act, 1992 (Act No.23 of 1992);

“connecting sewer” means a pipe vested in the Council which connects a drain to a public sewer;

“conservancy tank” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

“Council”, means the Municipal Council of Mariental

“discharge pipe” means any pipe other than a drain that conveys the discharge from one or more sanitary fixtures;

“drain” means that part of a drainage installation that conveys sewage from a building to a combined private sewer, connecting sewer or any other sewage disposal system situated on the premises concerned, but excluding -

- (a) any discharge pipe;
- (b) any portion of a discharge stack which is below ground level; and
- (c) the bend at the foot of a discharge stack, whether such bend is exposed or not;

“drainage installation” means the installation on any premises vesting in the owner and used or intended for use for the reception, conveyance, storage or treatment of sewage, and consisting of sanitary fixtures, traps, discharge pipes, drains ventilating pipes, septic tanks, conservancy tanks sewage treatment works or mechanical appliances associated therewith;

“drainlayer” means a person registered as a drainlayer with the Council in terms of regulation 19:

“Engineer” means the official of the Council charged with the function of exercising control over the provision of sewerage services by the Council;

“industrial effluent” means any liquid other than soil water or storm water, whether or not it contains matter in solution or suspension and which is given off in the course of, or as a result of any industrial trade, manufacturing, mining or chemical process in any laboratory, research or agricultural activity;

“local authority area”, means the area comprising the Municipality of Mariental.

“occupier” in relation to any premises means -

- (a) the person in actual occupation thereof;

- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises; or
- (d) the agent of any such person who is absent from Namibia or whose whereabouts are unknown;

“owner”, in relation to any premises, means 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 capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner’s authorized agent or a person receiving the rent of the premises on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested.

“sewage” means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination, but excluding storm water;

“sewerage service contract” means a contract concluded between the Council and the owner or occupier of any premises in terms of regulation 4(3), for the provision by the Council of a sewerage service to such premises;

“sewerage tariff”, in relation to the local authority area, means the tariff of charges, fees and other moneys determined by the Council under section 30(1)(u) of the Act in respect of the supply of sewerage services by the Council and the rendering of other services in connection therewith;

“soil pipe” means a pipe that conveys soil water;

“soil water” means liquid containing human body wastes such as faeces and urine;

“waste pipe” means a discharge pipe that conveys waste water only;

“waste water” means used water not contaminated by soil water or industrial effluent, but excluding storm water.

(2) In these regulations “SABS” followed by a number or a number and a title, is a reference to the specification of the indicated number and all amendments thereof, published by the Council of the South African Bureau of Standards, and which are available for inspection at the office of the Engineer during office hours.

## **CHAPTER 1**

### **SUPPLY OF SEWERAGE SERVICES BY COUNCIL**

#### **Council's sole right to provide connecting sewer**

2. No person shall obtain the connection of any private sewer to a public sewer, whether directly or through a combined private sewer, except by means of a connecting sewer provided by the Council pursuant to a sewerage service contract.

#### **Conditions for provision of a sewerage service by Council**

3. (1) The Council shall not be obliged to supply a sewerage service to any premises in the local authority area, unless -

- (a) the owner or occupier of such premises has concluded with the Council a sewerage service contract; and
- (b) such owner or occupier has complied with all other requirements for procuring a sewerage service prescribed by these regulations.

(2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a sewerage service contract if a public sewer is not available at a point within the close proximity of such premises from where it is reasonably possible to provide a connecting sewer to the premises, or to a combined private sewer to which such premises may be connected.

#### **Application for provision of a sewerage service**

4. (1) An application for the provision of a sewerage service shall be made to the Council on the form provided by the Council for the purpose.

(2) Where an application in terms of subregulation (1) is made for the initial connection of any premises to a public sewer, such application shall be made by the owner of the premises or the duly authorised representative of such owner.

(3) Upon the submission of an application in terms of subregulation (1), the applicant shall -

- (a) sign a contract for the provision of a sewerage service;
- (b) pay the fees determined in the sewerage tariff for a connecting sewer; and
- (c) pay any other fees as may be determined by the Council.

(4) The provision of a sewerage service by the Council to any person shall be subject to these regulations and the conditions contained in the relevant sewerage service contract.

#### **Connection to the public sewer**

5. (1) Where an application for the provision of a sewerage service is

approved in respect of premises which are required to be connected to the public sewer for the first time, the Council shall provide a connecting sewer from the public sewer to such premises in such position and to such point on the premises as the Engineer may determine.

(2) The Council may, either of its own accord or at the request of the owner of the premises concerned, alter any connection made to a public sewer in terms of subregulation (1).

(3) Where a connecting sewer is provided by the Council to any premises, it shall be the responsibility of the owner concerned, and not of the Council, to provide and maintain at his or her own costs, and subject to the provisions of Chapter 3, the drainage installation on the premises.

(4) Until a drainage installation has been connected to the public sewer, or to a combined private sewer which is connected to the public sewer, no person shall discharge or cause or permit to be discharged into such drainage installation any substance, except unpolluted water for the purpose of testing the functioning of the drainage installation or any part thereof during or upon the completion of its construction.

(5) No person, other than an employee of the Council charged with such duty or any other person authorised thereto in writing by the Council, shall approve or install a connecting sewer for linking any private sewer or combined private sewer to the public sewer.

(6) The charges payable for -

- (a) the provision of a connecting sewer;
- (b) the alteration of the position of a connecting sewer at the request of the owner of any premises,

shall be as determined in the sewerage tariff.

(7) Any charge payable in terms of subregulation (6), shall be paid to the Council in advance before the necessary work is commenced by the Council.

**Provision of common connecting sewer to several occupiers on same premises and combined private sewers**

6. (1) Subject to subregulation (2), only one connecting sewer shall be provided for the purpose of any premises, irrespective of the number of accommodation units located on such premises, but the Council may permit that the drainage installations of two or more premises or two or more such accommodation units be connected to a combined private sewer discharging into the public sewer.

(2) Notwithstanding subregulation (1), the Council may -

- (a) in the case of premises comprising sectional title units; or

- (b) if, in the opinion of the Council, undue hardship or inconvenience would otherwise be caused to any occupier of the premises,

authorise that more than one connecting sewer be provided to such premises.

### **Ownership of connecting sewer**

7. Any pipes, fittings, equipment and material used by the Council in providing a connecting sewer to any premises, shall at all times remain the exclusive property of the Council and be under the sole control of and be maintained by the Council.

### **Payment for sewerage services**

8. (1) The charges for the provision of a sewerage service by the Council shall -

- (a) be paid for by the occupier of the premises at the rate determined in the sewerage tariff for the particular category of use for which the service is provided; and
- (b) be payable monthly in advance, not later than the last date for payment specified in the account rendered by the Council for such charges.

(2) A person with whom the Council has concluded a sewerage service contract shall be responsible for the payment of the charges in respect of the sewerage service from the date on which the connecting sewer is provided by the Council.

(3) If payment of an account is received after the date referred to in subregulation (1)(b), a late fee as determined in the sewerage tariff shall be payable to the Council.

(4) If during any period any person utilises the sewer system for a category of use other than that for which the Council has agreed to provide the sewerage service and as a consequence is not charged for such service or is charged at a rate lower than that which should have been charged, such person shall in respect of the period in question be liable for the amount due to the Council, in accordance with the appropriate rate leviable for the category of use for which the sewerage service is provided.

(5) Any other services related to the provision of a sewerage service shall be paid for at the fees and charges determined in the sewerage tariff.

(6) The Council may discontinue all sewerage services to any premises if accounts rendered for such services, or for any taxes or levies in respect of the premises, are not duly paid.

### **Availability charges for rendering of sewerage service**

9. (1) The Council may, in addition to the charges determined in the sewerage tariff for the actual use of the sewerage service provided by the Council,



levy an availability charge or a monthly minimum charge for the rendering of a sewerage service to residents of the local authority area.

(2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -

- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to the public sewer, but can reasonably be provided with a connecting sewer; and
- (b) by the owner of every premises or, where any premises are occupied by any other person, such occupier, in respect of each connecting sewer provided by the Council to serve the premises, whether or not the sewerage service is being utilised.

(3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by the occupier of every premises in respect of a specified volume of sewage flow based on design volumes, whether or not the amount of sewage discharged on the premises is less than or exceeds the specified volume.

(4) Notwithstanding subregulation (2)(a), an availability charge levied by the Council under subregulation (1), shall not be payable by the owner of a township in respect of any unalienated premises in the township if -

- (a) the sewerage reticulation system in the township was provided by the township owner at his or her own cost; or
- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

### **Objection to account rendered for sewerage services**

10. If a person disputes the correctness of any charges reflected on an account rendered by the Council, such person may lodge an objection in writing against such account with the Council within 7 days after the date of receipt of the account.

### **General conditions for provision of a connecting sewer**

11. (1) The provision of a connecting sewer by the Council shall not constitute an undertaking on the part of the Council to maintain at any time an uninterrupted sewerage service.

(2) If in the opinion of the Engineer the volume of sewage discharged from any premises adversely affects the functioning of the public sewer system, the Engineer may apply such restricting measures as the Engineer may think fit to lower the peak sewage flow from such premises into the public sewer.

**Compulsory provision of a drainage installation or other sanitary disposal system**

**12.** (1) Where in respect of any premises a suitable means of disposal by waterborne sewage is available, the owner of such premises shall provide and install a drainage installation on the premises.

(2) Where a public sewer is not available for providing a connecting sewer to any premises, the owner of such premises shall, before the occupation of such premises by any person, make provision for -

- (a) a conservancy tank or a septic tank and absorption field on such premises in conformity with the provisions of regulation 37; or
- (b) any other means of sewage disposal as the Council may permit, but subject to regulation 38.

(3) Where in the case of premises contemplated in subregulation (2), the owner of such premises is notified in writing by the Council that a public sewer has been installed and is available from which a connecting sewer can be provided to the premises, such owner shall, within the period specified in the notice, but which shall not exceed 6 months -

- (a) provide a drainage installation on such premises, or make any necessary extensions or alterations to any existing installation on such premises for the purpose of connecting such premises to the public sewer; and
- (b) submit to the Council, in accordance with regulation 4, an application for the provision of a sewerage service.

(4) If the owner of any premises fails to comply with a notice referred to in subregulation (3) before the expiry of the period specified in the notice, or such longer period as the Council may allow, such owner shall, with effect from the date following on the expiry of that period, be liable -

- (a) for the charges determined in the sewerage tariff for the provision of a sewerage service; and
- (b) until such time as the premises concerned are connected to the public sewer, to pay for the Council's conservancy tank or pail removal service, whichever is applicable, at three times the rate determined in the sewerage tariff for such service,

(5) The owner of any premises to which any pail or conservancy tank service is rendered, shall give written notice to the Council if such service is no longer required and shall, until such notice is given, remain liable for the charges of such service.

(6) Any contractor or other person employing workmen for the construction of any building or carrying out any other work on any premises to which a connecting sewer is available for the purposes of any building constructed or to be constructed thereon, shall, unless such an amenity is available on the premises, provide on such premises a proper toilet with water closet and flushing cistern connected to the public sewer for the convenience of such workmen.

(7) Any person who fails to comply with the provisions of subregulation (1), (2), or (6), shall be guilty of an offence.

### **Faulty drainage installations**

13. (1) If at any time a drainage installation on any premises is found not to conform to the provisions of these regulations, the Council may by notice in writing to the owner concerned require such owner to remedy the defect within a period specified in the notice.

(2) When in the opinion of the Council a nuisance exists owing to the emission of offensive gasses or odours from any ventilating pipe, trap or sanitary fitting or any other part of a drainage installation on any premises, the Council may by notice in writing to the owner concerned, require such owner to take, within such period as may be specified in the notice, such measures as may be necessary to prevent the recurrence of such nuisance.

(3) Where any sewage discharged into a drainage installation enters any soil-water fitting or waste-water fitting connected to the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Council may by notice in writing to the owner concerned, require the owner to carry out, within such period as may be specified in the notice, any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

(4) A person who fails to comply with the requirements of a notice given under subregulation (1), (2) or (3), shall be guilty of an offence.

### **Council's power to perform certain work on private premises**

14. (1) Where an owner or other occupier of any premises has been required by a notice in terms of these regulations to carry out any work in relation to the drainage installation on such premises, whether by way of construction, repair, replacement or maintenance, and such owner or occupier fails to comply with the notice within the period specified therein, the Council may -

- (a) cause such work to be carried out; and
- (b) recover the cost of such work from the owner or occupier concerned.

(2) Any action taken by the Council in terms of subregulation (1) shall not prevent any person from being prosecuted for a contravention of these regulations,

(3) Where no charge is determined in the sewerage tariff in respect of any work carried out by the Council in accordance with subregulation (1), the owner or occupier, as the case may be, of the premises in question shall be liable to pay to the Council the actual cost of such work plus an administrative levy equal to fifteen percent of such cost.

(4) Any damage caused to the public sewer or any part of the Council's sewage treatment system as a result of the non-compliance with or contravention of any provision of these regulations, shall be repaired by the Council at the expense of the person responsible for such non-compliance or contravention.

**Maintenance of drainage installation**

**15.** (1) Every owner of premises shall ensure that -

- (a) the drainage installation on the premises is in a proper state of repair and maintained in good working order;
- (b) every trap or other fitting forming part of such drainage installation is kept free from any accumulation of grease, oil or fat or any other substance or materials that may cause a blockage in any part of the drainage installation or may in any other manner adversely affect its proper functioning;
- (c) every manhole, rodding eye or other access to a drainage installation and every outdoor gully is provided with an approved cover which remains closed at all times, but is accessible for the purpose of cleaning or other maintenance work.

(2) If, in the case of any building existing on any premises at the commencement of these regulations, any outdoor gullies on such premises are not provided with a precast concrete covering or any other approved mode of covering, the owner of such premises shall cause the necessary steps to be taken to ensure that all such gullies are provided with such a covering not later than 12 months after such commencement.

(3) Where two or more owners share the use of a drainage installation or any part thereof, they shall be jointly and severally responsible for the maintenance and repair of such drainage installation and for the compliance with the provisions of this regulation.

(4) A person who contravenes any provision of subregulation (1), (2) or (3), shall be guilty of an offence.

**Clearing of blockages and services provided by the Council**

**16.** (1) Where a blockage occurs in a soil pipe the occupier of the premises concerned shall, subject to subregulation (3), cause such blockage to be removed by or under the supervision of a registered drainlayer.

(2) Any registered drainlayer carrying out any work contemplated in subregulation (1), shall report to the Council in writing, not later than 5 days after the completion of the work, the nature, location and cause of the blockage if the drainlayer suspects such blockage -

- (a) to have been caused by the intrusion of tree roots or foreign matter in the drainage installation; or
  - (b) to have resulted because of a defect in the construction of the drainage installation.
- (3) Where the Council considers it necessary or expedient for any reason, it

may, either upon a request of the occupier of the premises or of its own motion, cause a blockage in the drainage installation to be removed and may recover from the occupier the charges determined in the sewerage tariff for such service.

(4) Should any work undertaken by the Council in terms of subregulation (3) necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on the premises in question, the Council shall not be responsible to restore or replace such paving, lawn or surfacing.

(5) Where an overflowing of the drainage installation on any premises is caused by an obstruction in the connecting sewer which the Council on reasonable grounds believe to have been caused by objects emanating from such drainage installation, the occupier of the premises in question shall be liable to pay to the Council the charges determined in the sewerage tariff for the removal of such a blockage.

(6) Where a blockage has been removed by the Council from a combined private sewer or a drainage installation serving two or more premises, the occupiers of such premises shall be jointly and severally liable to the Council for the charges for the removal of such blockage.

(7) The emptying of any conservancy tank or septic tank on any premises may be carried out by the Council at such times as the Council may determine having regard to the general requirements of the service and in particular the avoidance of separate or unnecessary journeys by the Council's removal vehicles.

(8) The Council may at its discretion, having regard to the position of a conservancy tank or septic tank on the premises or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner shall indemnify the Council in writing against any sum which it may become liable to pay to any person as a result, direct or indirect, of rendering the service for emptying such tank.

### **Disconnection**

17. (1) Except for the purpose of maintenance or repair, to be carried out by or under the supervision of a drainlayer, no soil-water fitting or soil pipe shall be disconnected from any drain or from a public sewer without the prior written approval of the Engineer.

(2) Where any part of a drainage installation is permanently disconnected the owner of the premises shall -

- (a) dispose of the disconnected part in a manner which will not be a danger to health; and
- (b) cause any opening in the drainage installation resulting from the disconnection to be sealed by a drainlayer.

(3) A drainlayer carrying out any work contemplated in subregulations (1) and (2), shall upon completion of such work comply with the provisions of regulation 27(2).

(4) Where any disconnection contemplated in subregulation (2) has been carried out which requires the application in future of any different rate of fees and charges leviable under the sewerage tariff, the Engineer shall, on the written application of the owner of the premises, cause such adjustments to be made in relation to those fees and charges as will give effect to the resulting changed circumstances.

(5) Any adjustment directed by the Engineer in accordance with subregulation (4), shall be applicable with effect from the first day of the month following the date of receipt by the Engineer of the owner's application in terms of that subregulation, notwithstanding the date on which the disconnection in question was completed.

(6) Where a building on any premises is demolished, the Engineer may cause any connecting sewer to such premises to be disconnected and removed, and the owner of the premises shall be liable for the charges determined in the sewerage tariff for such disconnection and removal, including the sealing of the public sewer.

(7) Any person who contravenes any provision of subregulation (1) or (2), shall be guilty of an offence.

## **CHAPTER 2 REGISTRATION OF DRAINLAYERS**

### **Persons qualified to carry out work on drainage installation**

**18.** (1) No person, other than a person who is registered with the Council as a drainlayer in terms of regulation 19, shall carry out or undertake to carry out -

- (a) in relation to a drainage installation or any part thereof, any work for which approval is required by any provision of these regulations or which, in terms of these regulations, may be carried out only by a drainlayer;
- (b) any inspection or testing of a drainage installation; or
- (c) any work for the disconnection of any part of, and the sealing of, a drainage installation.

(2) Any person who carries out or attempts to carry out any work in contravention of subregulation (1), shall be guilty of an offence.

### **Registration of drainlayers with Council**

**19.** (1) An application for the registration of a person as a drainlayer for the purposes of these regulations, shall be made in writing to the Council through the Engineer and shall be accompanied by such proof of the applicants's qualifications, training or experience as the Council may require.

(2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local

authority area, which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later than 7 days after the date of the last publication of such notice.

(3) If, after consideration of an application in terms of subregulation (1) and a report and recommendation of the Engineer and any objections received against the application, the Council is satisfied that the applicant -

- (a) is a qualified artisan in the drainlaying trade, or has any comparable qualification approved by the Council, or has had practical experience in that trade which the Council considers adequate and appropriate for purposes of registration as a drainlayer;
- (b) has an adequate knowledge of these regulations and of the provisions of SABS 0252-2:1993; and
- (c)
  - (i) is a Namibian citizen; or
  - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
  - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act No. 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business or performing the work of a drainlayer in Namibia, the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.

(4) The Council may refuse to register a person as a drainlayer if the applicant has carried out any work referred to in regulation 18(1) without first being registered as a drainlayer with the Council.

(5) The Council may, upon application made to it, register a company or close corporation or partnership as a drainlayer if

- (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
- (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.

(6) Except in the case of the refusal of an application on the ground of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.

(7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as a drainlayer or for the registration of a company, close corporation or partnership as such, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in drainlaying work or his or her knowledge of the provisions of these regulations and SABS 0252-2:1993.

### **Term of registration**

20. Unless it is sooner withdrawn under regulation 21, a registration card shall be valid for a period of 12 months from the date of its issue, but may be renewed annually upon application made by the holder thereof not later than 21 days before the date on which it is due to lapse.

### **Withdrawal or suspension of registration**

21. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as a drainlayer if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof -

- (a) has in his or her application for registration as a drainlayer given any material information which he or she knows or ought to have known is false; or
  - (b) has carried out or caused or permitted to be carried out any drainlaying or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or SABS 0252-2:1993;
  - (c) has issued a certificate in terms of regulation 27(1)(b) which he or she knows or ought to have known is incorrect or false; or
  - (d) allows his or her registration card to be used in a fraudulent manner.
- (2) The Council shall not exercise any of the powers under subregulation (1), unless the Council has -
- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
  - (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

### **Temporary registration**

22. The Council may upon application made to it by a person who complies with the requirements of regulation 19(3) or (5), register such person, or where applicable the company, close corporation or partnership, temporarily for the purpose of carrying out any specified work.



**Production of registration card**

23. Any person carrying out or about to carry out any work referred to in regulation 18(1), shall, when requested to do so, produce his or her registration card for inspection to the Engineer or any officer of the Council authorised thereto by the Engineer, or any occupier on or in respect of whose premises such work is being or to be carried out.

**Prohibition against employment of unregistered persons for drainlaying work**

24. (1) No owner or occupier of any premises shall engage or permit any person to carry out on such premises any work referred to in regulation 18(1), unless such person is registered with the Council as a drainlayer in terms of regulation 19.

(2) A person who contravenes subregulation (1), shall be guilty of an offence.

**Issue of duplicate registration card**

25. (1) A person whose registration card is lost, destroyed or damaged, may apply to the Council for a duplicate of such card.

(2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

**Fees for registration and renewal**

26. The fees payable to the Council for -

- (a) the registration of a person as a drainlayer;
- (b) the renewal of such a registration; or
- (c) the issue of a duplicate registration card,

shall be as determined by the Council from time to time.

**Responsibilities of registered drainlayer**

27. (1) A drainlayer shall -

- (a) ensure that any work carried out by him or her in relation to a drainage installation, or by any other person acting under his or her control, is performed in conformity with the requirements of these regulations and SABS 0252-2:1993; and
- (b) certify in a manner approved by the Engineer that such work complies with the requirements of these regulations.

(2) Not later than 7 days after the completion of any work referred to in

paragraph (a) of subregulation (1), the drainlayer concerned shall -

- (a) submit to the Engineer the certificate referred to in paragraph (b) of that subregulation; and
- (b) deliver a copy of such certificate to the person on whose instructions the work was carried out.

### **CHAPTER 3**

#### **REQUIREMENTS FOR DRAINAGE INSTALLATIONS**

##### **Standard specifications and codes of practice applicable**

**28.** For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council 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.

##### **Information and drawings**

**29.** (1) No work shall be carried out or be commenced with on any premises in connection with -

- (a) the initial construction of a drainage installation; or
- (b) any alterations or extensions to any existing drainage installation,

unless there is submitted to the Council, by or on behalf of the owner of the premises, drawings of the proposed drainage installation or alterations or extensions complying with the provisions of subregulations (5), (6) and (7) and the information provided for in Chapter 4 of SABS 0252-2:1993, and such drawings and information have been approved by the Council.

(2) A complete set of the drawings approved under subregulation (1) shall be available at the premises where any work mentioned in that subregulation is being carried out until the certificate of the drainlayer is submitted to the Engineer in accordance with regulation 27(2).

(3) If any work is carried out in contravention of subregulation (1), the Engineer may by notice in writing require the owner of the premises to comply with the provisions of that subregulation within a period specified in the notice, and thereupon -

- (a) work in progress shall be discontinued until the approval required by that subregulation is granted;
- (b) any work that does not comply with these regulations, shall be removed when so directed by the Council.
- (4) An application for the approval of drawings referred to in subregulation

(1), shall be accompanied by a site plan of the premises with buildings, plans, elevations and sections, indicating clearly the nature and extent of the proposed work: Provided that where the particulars required in terms of subregulation (7) sufficiently appear on the other drawings submitted, a block plan shall not be required.

(5) Any drawings required to be submitted to the Council in terms of this regulation shall -

- (a) consist of at least one set of such drawings prepared in durable transparent material or of clearly legible prints with a white background on approved durable material, and such additional paper prints of such drawings as may be required by the Council;
- (b) be signed by the owner; and
- (c) be of a size not smaller than A4 (297 mm by 240 mm).

(6) In the case of a drain and drainage installation, the plans, elevations and sections of the required drawings shall be drawn to a scale not smaller than 1:200, except in the case of site plans which shall be drawn to a scale not smaller than 1:500.

(7) The plans, elevations and sections shall show -

- (a) the location, size and gradient of any drain and every connecting point to such drain in relation to a datum established on the site and the level of the ground relative thereto;
- (b) the location of every point of access to the interior of any drain;
- (c) the location of any overflow or floor drain gully;
- (d) the location and details of any conservancy tank or any septic tank and absorption fields or any sewage pump;
- (e) the location and arrangement of every sanitary fixture served by the drainage installation;
- (f) the location and size of any soil pipe, waste pipe and ventilating pipe or vent valve;
- (g) the location of any chimney, door, window or other opening to any building which is within a distance of 6 m from the open end of any ventilating pipe;
- (h) the floor levels of the building;
- (i) the part of any existing drainage installation which will be affected by the proposed work.

(8) The site plan shall show -

- (a) the dimensions of the premises on which the drainage work is to be carried out;
- (b) the location of any building on such premises;
- (c) the location of any existing drain and of the proposed drains thereon;
- (d) the title deed description of the premises and of all pieces of land contiguous thereto; and
- (e) the name of every street on which the premises abut; and
- (f) the direction of true north.

(9) A drain shall not be so designed or constructed that any part thereof extends beyond the boundary of the premises it is intended to serve, but if the Council considers it necessary or expedient to do so, and upon proof of the registration of an appropriate servitude or of a notarial deed for a combined private sewer, as the Council may require, the Council may permit the owner of any premises to lay a drain at his or her own expense through any adjoining premises.

(10) The fees payable to the Council -

- (a) for the consideration of any drainage installation plan submitted for approval; and
- (b) for any testing or retesting of a drainage installation which the Council considers necessary before giving its approval therefor,

shall be as determined in the sewerage tariff and shall be payable in advance before any such plan is considered or any such test is carried out.

(11) Where an application for the approval of drawings referred to in subregulation (1) is refused or withdrawn, the fees paid in respect thereof shall not be refundable, except if the Council in a particular case directs otherwise.

(12) The approval of any drawings by the Council under this regulation shall lapse if the work to which such drawings relates is not carried out within a period of 2 years after such approval was granted.

#### **General requirements for design and construction of drainage installations**

**30.** (1) Any drainage installation shall be so designed and constructed that-

- (a) an adequate number of sanitary fixtures is provided in relation to the population and class of occupancy of such building;
- (b) such installation is capable of -
  - (i) carrying the design hydraulic load;

- (ii) discharging into any drain, combined private sewer, connecting sewer, conservancy tank or septic tank and absorption field or evapo-transpiration bed provided to receive such discharge;
  - (c) all components and materials used in the drainage installation are watertight;
  - (d) no nuisance or danger to health will be caused as a result of the operation of the drainage installation;
  - (e) any drain in such system is of such strength, having regard to the manner in which it is bedded or supported, that it is capable of sustaining the loads and forces to which it may normally be subjected and that it is properly protected against any damage;
  - (f) all sanitary fixtures are so located that they are easily accessible to the persons they are intended to serve;
  - (g) any necessary inspection, cleaning or maintenance of any part of the system will be possible to be performed through the means of access provided.
- (2) The requirements of subregulation (1) shall be deemed to be satisfied where the drainage installation -
- (a) complies with the provisions of SABS 0252-2:1993 (Drainage installations for buildings); and
  - (b) conforms to the requirements of these regulations.

Provided that in the application of paragraphs 4.2.1. and 4.2.2 of SABS 0252-2:1993 relating to the requirements for the class of occupancy of a building and the calculation of the design population, the information as set out in tables 1 and 2 in Annexure A shall be applicable.

### **Design of a proposed drainage installation**

**31.** (1) Where the Council is of the opinion that the size or complexity of the drainage installation required in any building renders it essential for such installation to be the subject of a detail design, the Council may require from the owner that the installation be designed by a professional engineer or other approved competent person and to submit for approval plans and particulars of the drainage installation based on such design.

(2) Any detail design required in terms of subregulation (1), shall comply with the requirements of these regulations and the requirements of Chapters 2, 3, 4, 5, 6 and 7 of SABS 0252-2:1993: Provided that -

- (a) the Engineer may permit any combination of drainage systems if, in his or her opinion, such combination will result in an adequately ventilated drainage installation and the effective protection of the water seals of all traps connected to the drainage installation;

- (b) unless approved by the Engineer, no drain shall be installed at a gradient of less than 1 in 60;
- (c) no chimney or flume shall be used as a means for ventilating any drain, soil pipe or waste pipe;
- (d) the shape and dimensions of any recess containing any part of a drainage installation, and the arrangement of pipes and other fittings therein, shall be such that it will allow adequate entry for purposes of renewal, replacement, maintenance or repair of such installation or pipes or fittings, and any such recess shall be adequately ventilated if provided with a cover or covers;
- (e) any enclosed shaft or duct containing any part of a drainage installation, shall -
  - (i) have a minimum cross-sectional area of 1,5 square metres and a minimum width of 1 metre;
  - (ii) be adequately ventilated; and
  - (iii) be provided with means of access to its interior adequate for inspections and repairs to be carried out,

but the Council may permit the use of an unventilated shaft or duct with a smaller cross-sectional area and width in a case where the whole of the interior of every soil pipe and waste pipe contained therein will be otherwise readily accessible for the purpose of cleaning;

- (f) unless otherwise permitted by the Council, no pipe, bend or junction forming part of a drainage installation serving a building of more than two storeys shall be exposed to view from the outside of such building;
- (g) rodding eyes shall be provided on all private sewers and drains up to a depth of 1,5 metre below the ground level, but the Engineer may allow manholes when required;
- (h) all rodding eyes shall be adequately marked and be protected against any damage to the satisfaction of the Council;
- (i) the chamber of any manhole shall be of adequate size to allow the entry of a person for the purpose of obtaining access to a drain, but the dimensions thereof shall in any event not be less than -
  - (i) in the case of a chamber with a depth not exceeding 750 mm, a length of 600 mm and a width of 450 mm, or an internal diameter of 600mm in the case of a circular chamber;
  - (ii) in the case of a chamber with a depth exceeding 750 mm but not exceeding 2000 mm, a length of 900 mm and a width of 600 mm or an internal diameter of 1200 mm in the case of a circular chamber;

- (j) any effluent emanating from any garage, restaurant or industrial kitchen or any industrial effluent containing grease, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers conforming to the requirements set out in paragraphs 5.2.7 and 5.2.8 of SABS 0252-2:1993 and designed to intercept and retain such grease, oil, fat or solid matter;
- (k) any waste-water or industrial effluent containing oil, petrol, grease or any similar substance or any liquid which gives off a flammable or noxious vapour at a temperature of 20°C or more, shall be intercepted and retained in tanks or chambers in accordance with paragraph 5.2.8 of SABS 0252-2:1993 so as to prevent the entry thereof into the public sewer;
- (l) floor drains may be installed within any building equipped with an automatic water sprinkler system, provided the pipe or pipes receiving the discharge from any such drain will discharge into another gully outside the building, the inlet of which is situated as required in terms paragraph 6.6.3 of SABS 0252-2:1993;
- (m) only a closed sewer system with closed gullies shall be used on the drainage installation, unless the prior written approval of the Council is obtained to use a system with open gullies or any other system;
- (n) no mechanical waste food disposal unit or garbage grinder or any similar device which may impair the functioning of the public sewer system or water care works shall be incorporated in the drainage installation.

#### **Materials, fittings and components**

**32.** (1) Subject to subregulations (2) and (3), only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-2:1993 or similar pipes, joints and fittings approved by the Council shall be used on any drainage installation.

- (2) Notwithstanding the provisions of subregulation (1) -
  - (a) structured wall pipes according to SABS 1601 may be used;
  - (b) the inside and outside surfaces of any cast iron pipes and their associated traps and fittings shall be properly coated with a bituminous or other corrosion-resisting material; and
  - (c) all sanitary fixtures shall comply with the SABS codes referred to in Annexure B.

(3) Notwithstanding anything to the contrary contained in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the sewage be corrosive or aggressive soil conditions occur in the particular area.

### **Control of installation and work on drainage installation**

**33.** (1) Subject to subregulation (2), the construction of a drainage installation shall be carried out in conformity with

- (a) the drawings approved in terms of regulation 29 and detail specification procedures for the installation; and
- (b) the requirements of Chapters 6 and 7 of SABS 0252-2:1993.

(2) Any drainlayer carrying out or exercising control over the construction of a drainage installation shall ensure that -

- (a) no fixed joint is used in the drainage installation and no caulked joint is used on any pipe forming part of the drainage installation, except with the approval of the Council;
- (b) any pad or packing inserted between the base of any water closet pan and the floor shall be of non-absorbent material;
- (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (uPVC) pipes forming part of the drainage installation;
- (d) every channel and trap forming part of a urinal or receiving the discharge from a urinal is located in the same room as the urinal and is of approved impervious material with a glazed or smooth finish;
- (e) the flow of water into a flushing cistern is separately controlled by an isolating valve or other approved device situated in the same room not more than 1 m from the cistern;
- (f) all rodding eyes and manholes are constructed in such a way that they cannot be flooded by storm water;
- (g) where any drain passes under any building only pipes approved by the Engineer shall be installed;
- (h) the invert of a manhole shall be formed by semi-circular channels, bedded on and properly "benched" in cement mortar, trowelled to a smooth finish;
- (i) only closed gullies complying with the relevant SABS specification or any similar approved specification may be installed on any drainage installation, unless otherwise approved by the Council;
- (j) in any room containing a urinal or urinals -
  - (i) all surfaces liable to fouling shall be protected with an approved impervious material with a glazed or other smooth finish;
  - (ii) the floor of a room or compartment containing a urinal channel shall slope towards and drain into the channel, but where the



channel is raised above the level of the floor, a platform of at least 400 mm wide shall be provided and only such platform shall be required to slope and drain as aforesaid;

- (k) where more than eight urinals are directly connected to a soil pipe or drain, the floor of the room or compartment where the urinals are located shall be graded and drained to an approved floor gully similarly connected; and
- (l) any shower room or compartment shall be provided with an impervious floor and a trap linked to the drainage installation.

#### **Cleaning, inspection and testing of a drainage installation**

**34.** (1) Every drainage installation shall upon its completion -

- (a) be properly cleaned to remove any foreign matter;
- (b) be inspected by the Engineer in the presence of the drainlayer by whom or under whose control it was installed; and
- (c) be tested under pressure and for performance,

and for the purposes of such cleaning, inspection or testing the provisions of paragraph 6.8 of SABS 0252-2:1993 shall be applicable.

(2) At least 2 working days' notice shall be given to the Engineer where any inspection of a drainage installation is required to be carried out.

#### **Engineer may require drainage installation to be tested**

**35.** (1) The Council may by written notice require the owner of any premises to employ a drainlayer at his or her own cost to test the functioning of the drainage installation on such premises if the installation is suspected to be faulty.

(2) A drainlayer carrying out any work referred to in subregulation (1), shall comply with the provisions of regulation 27(2).

#### **Sewage pumps**

**36.** (1) Where any part of a building or premises is at such a level in relation to the public sewer that a drainage installation serving that part cannot discharge into the public sewer by gravitation, the Engineer may, subject to the provisions of this regulation and to such conditions as the Engineer may determine, permit the sewage from such part to be raised by means of a sewage pump to discharge at such point and such level as the Engineer shall determine.

(2) Any person intending to install a sewage pump for the purpose mentioned in subregulation (1), shall make application in writing to the Engineer for permission to do so and shall, together with such application, provide the information required in the form set out in Annexure D and shall furnish such additional information as the Engineer may require.

(3) The relevant part provided on the form referred to in subregulation (2) shall be completed by a professional engineer, who is conversant with the technical details of the sewage pump to be used, and the undertaking included in the application form shall be signed by the owner of the premises.

(4) An application in terms of subregulation (2) shall be made in duplicate and be accompanied by drawings prepared in accordance with the provisions of regulation 29 and shall show the location and details of the compartment which will contain the sewage pump, the sewage storage tank, the stilling chamber, and the positions of the soil pipes, ventilation pipes, rising main and the connecting sewer.

(5) Where an application in terms of subregulation (2) is granted, it shall be a condition of such permission that the owner of the premises concerned shall provide and install -

- (a) unless the Engineer permits otherwise in a particular case, two sewage pumps conforming to the requirements of this regulation, which shall be connected in such a way that in the event of the one failing to function the other will immediately and automatically begin functioning; and
  - (b) a tank for retaining the sewage to be disposed of by means of the sewage pump, and which shall conform to the requirements of subregulation (8).
- (6) Every sewage pump installed for the purpose mentioned in subregulation (1), shall -
- (a) have an operational capacity suitable to cope with the load and circumstances it will be subjected to;
  - (b) be fitted with a discharge pipe, isolating valve and non-return valves located in approved positions;
  - (c) be so located and operated as not to cause any nuisance through noise, odour or otherwise,

and every compartment containing such a sewage pump shall be provided with adequate apertures for ventilation purposes.

(7) The maximum discharge rate from any sewage pump, and the times between which the discharge may take place, shall be as determined by the Engineer, who may at any time require the owner to provide and install such fittings and regulating devices as may be necessary to ensure that such maximum discharge rate will not be exceeded.

(8) The sewage retaining tank referred to in subregulation (5)(b), shall be a watertight container which -

- (a) is constructed of hard and durable materials;
- (b) has a smooth and impermeable inner surface;

- (c) has, below the level of the inlet pipe, a storing capacity -
  - (i) which is sufficient to retain the volume of sewage which it is anticipated will emanate from the part of the building or premises in question over a 24 hour period; or
  - (ii) of at least 900 litres,whichever is the greater quantity; and
- (d) is designed in such a manner that the maximum proportion of its sewage content will be emptied at each discharge cycle of the sewage pump.

(9) The starting mechanism of a sewage pump installed for the purpose referred to in subregulation (1), shall be set to commence pumping operations when the volume of sewage contained in the retaining tank is equal to not more than half of its storage capacity.

(10) Where the Engineer in a particular case so requires, a stilling chamber, with a depth of not less than 850 mm, shall be installed between the outlet of the sewage pump and the connecting sewer.

(11) Every sewage retaining tank and every stilling chamber installed in accordance with the provisions of this regulation, shall be provided with a ventilating pipe with a diameter of not less than 100 mm in accordance with the provisions of paragraph 6.4 of SABS 0252-2:1993.

(12) Any permission given in terms of subregulation (2), shall not render the Council liable for compensation for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a sewage pump referred to in subregulation (1).

### **Installation of conservancy tanks or septic tanks and absorption fields**

**37.** (1) Except with the prior written permission of the Council, no person shall install or construct on any premises within the local authority area any conservancy tank or any septic tank, absorption field or evapo-transpiration bed.

(2) The Council may in its discretion and with due consideration of the conditions prevailing in the particular case, grant or refuse an application for its permission in terms of subregulation (1).

(3) Any conservancy tank, septic tank, absorption field or evapo-transpiration bed installed or constructed in accordance with subregulation (1), shall conform to the requirements as set out in chapter 7 of SABS 0252-2:1993.

(4) The following conditions shall apply in every case where the Council has granted its permission under subregulation (2):

- (a) Where the Council's removal vehicle will be required to traverse any private property for the purpose of emptying a conservancy tank or septic tank, the owner shall make provision for a driveway to such tank,

including any gateway to or in such driveway, of at least 3,5 metre wide and with a surface capable of withstanding an axle load of 8 metric tons in any weather condition.

- (b) The overflow from a septic tank may be permitted to discharge in an absorption field, in which event proper grease traps shall be installed to prevent the blockage of the absorption field.
- (c) Before any absorption field is constructed on any premises, percolation tests shall be carried out in accordance with paragraph 7.3.2 of SABS 0252-2:1993, for establishing whether the soil on such premises is suitable for the location of an absorption field.
- (d) A watertightness test as prescribed in paragraph 7.2.5 of SABS 0252-2:1993 shall be carried out on a septic tank and the drainlayer employed to carry out such test shall comply with the provisions of regulation 27(2).

(5) The occupier of premises on which a conservancy tank or septic tank is installed, shall at all times maintain such tank in good order and condition to the satisfaction of the Council.

(6) If the use of any conservancy tank or septic tank on any premises is discontinued, or if permission for such use is withdrawn, the owner shall cause the tank to be removed or to be filled up with soil or other suitable material or to be dealt with in such other manner as the Engineer in the circumstances of the case may direct or permit.

#### **Other means of sanitary disposal**

**38.** (1) Where water-borne sewage disposal is not available, other means of sewage disposal shall be permitted by the Council: Provided that in the case of chemical or pail closets satisfactory means are available for the removal and disposal of sewage from such closets.

(2) No person shall construct any pit latrine without the prior written permission of the Council.

(3) Any other means of sanitary disposal approved by the Council under subregulation (1) shall -

- (a) be constructed and located in such a way as to prevent a causation of any nuisance, unhygienic or offensive condition; and
- (b) comply with the requirements of Part Q of SABS 0400, paragraph 7.4 of SABS 0252-2:1993 and any other requirements that the Council may lay down in a particular case.

**CHAPTER 4**  
**CONTROL OVER DISCHARGE OF SEWAGE, STORM WATER**  
**AND DISCHARGES FROM OTHER SOURCES**

**Sewage or other prohibited discharges not to enter storm water drains or roads.**

39. (1) No person shall discharge or cause or permit the discharge of any sewage, either directly or indirectly, onto any street or any premise or into any storm water drain, river, stream or other watercourse, whether natural or artificial.

(2) The occupier of any premises on which steam or any liquid, other than potable water, is produced, processed, generated or stored, shall provide such facilities as may be necessary to prevent any discharge, leakage or escape of such liquid onto any street or any premises or into any storm water drain or watercourse, but the Council may, if in the opinion of the Council circumstances permit, grant permission for the discharge of steam in any of such manners.

(3) Where the hosing down or flushing by rainwater of an open area on any private premises is in the opinion of the Council likely to cause the discharge of offensive matter into any street gutter, storm water drain, river, stream or other water course, whether natural or artificial, the Council may by written notice to the owner of the premises instruct such owner to cause such alterations to be made to the drainage installation, or any roofing on the area, as the Council may consider necessary to prevent or minimise such discharge or pollution.

(4) Any person who contravenes or permits the contravention of subregulation (1), (2) or (3) or who fails to comply with a notice served on him or her under this regulation, shall be guilty of an offence.

**Storm water not to enter sewers**

40. (1) No person shall cause or permit storm water to enter any drainage installation on any premises.

(2) No part of a drainage installation shall be constructed in such a way as will allow storm water to enter the drainage installation

(3) No pipe, channel or other device used for conducting rainwater from any roof or other surface shall be permitted to discharge into any gully forming part of a drainage installation.

(4) Any person who contravenes subregulation (1), (2) or (3) shall be guilty of an offence.

**Discharges from swimming pools, fountains or reservoirs**

41. (1) No person shall discharge or cause or permit the discharge of water from any swimming pool, fountain or reservoir to run, either directly or indirectly, into or onto -

(a) any road, gutter, storm water drain or watercourse;

- (b) any premises, other than the premises on which such swimming pool, fountain or reservoir is situated; or
  - (c) except with the prior written consent of the Council, any part of the drainage installation on any premises.
- (2) The Council may, when giving its consent under subregulation (1)(c), impose such conditions as to place, time, rate of discharge, total discharge and payment of charges as it may determine.
- (3) Any person who contravenes subregulation (1) or fails to comply with a condition imposed under subregulation (2), shall be guilty of an offence.

## **CHAPTER 5**

### **INDUSTRIAL EFFLUENT**

#### **Permission to discharge industrial effluent**

**42.** (1) Except with the prior written permission of the Council, no person shall discharge or cause or permit to be discharged into any public sewer any industrial effluent or any other liquid or substance, other than soil water or waste water.

(2) An application for the Council's permission under subregulation (1), shall be made in the form set out in Annexure E, and an applicant shall provide the Council with such additional information and with such samples of the industrial effluent as the Council may require in the particular case.

(3) The Council may at its discretion, having regard to the capacity of any public sewer or any sewage pump station used for sewage and the capacity of the water care works, grant permission for the discharge of industrial effluent from any premises into a public sewer, subject to such conditions as it may think fit to impose, including the payment of charges assessed in accordance with the sewerage tariff and in accordance with the requirements of Annexure C.

(4) A person to whom permission has been granted under subregulation (3) to discharge industrial effluent into a public sewer shall not do anything that will or could result in any change in the quantity or nature of industrial effluent so discharged, unless the Council's approval therefor has been obtained in writing and such person has notified the Council in writing of the date the proposed change will take effect.

(5) Any person who discharges or causes or permits to be discharged into the public sewer any industrial effluent -

- (a) without having first obtained the Council's permission therefor under subregulation (1); or
- (b) in a case contemplated in subregulation (4), without complying with the provisions of that subregulation,

shall be guilty of an offence and shall, in addition to the penalty which may be imposed for such offence, be liable to such charge as the Council may assess for the conveyance

and treatment of effluent so discharged and for any damage caused as a result of such unauthorised discharge.

(6) Without prejudice to the provisions of regulation 47(5), the Council shall be entitled to recover from any person who discharges or causes or permits to be discharged into a public sewer industrial effluent or any substance which is prohibited or restricted in terms of regulation 45(1) or which has been the subject of an order issued in terms of subregulation 45(2), all costs, expenses or charges incurred or to be incurred by the Council as a result of any of the following:

- (a) Injury of any person;
- (b) any damage to, or blockage or breakdown of -
  - (i) the public sewer;
  - (ii) any water care works or plant;
  - (iii) any sewage pump; or
  - (iv) any other property whatsoever, whether under the control of the Council or not; or
- (c) any costs, including fines and damages which may be imposed or awarded against the Council and any expense incurred by the Council as a result of any action in terms of the Water Act, 1956 (Act No. 54 of 1956), or any action against it consequent on any partial or complete breakdown of any water care works or sewage pump directly or indirectly caused by the said discharge.

(7) The Council may from time to time, or at any time as a result of a change in the method of sewage treatment, the introduction of new or revised standards by the Council, under the Water Act, 1956, as a result of any amendment to these regulations or due to any other reason, and after giving adequate written notice in advance of its intention to do so, -

- (a) review, amend, modify or revoke any permission given under subregulation (1) or any conditions attached to such permission; or
- (b) impose new conditions for the acceptance of any industrial effluent into the public sewer;
- (c) prohibit the discharge of any or all of such effluent into the public sewer,

and on the expiration of such period of notice, the previous permission or conditions, as the case may be, shall cease to apply and, where applicable, the new or amended conditions shall forthwith apply.

#### **Control of industrial effluent**

43. (1) The occupier of any premises from which industrial effluent is

discharged into a public sewer shall -

- (a) provide adequate facilities, such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means designed for the purpose of and capable of effectively preventing the discharge into the public sewer of any substance prohibited or restricted or having properties outside the limits imposed in terms of these regulations;
  - (b) before the industrial effluent is discharged into the public sewer -
    - (i) subject it to such pre-treatment as will ensure that such effluent will not at any time be in contravention of any of the requirements of regulation 45(1); or
    - (ii) modify the effluent cycle of the industrial process in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956(Act No. 54 of 1956);
  - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the public sewer through a separate connecting sewer provided by the Council and to refrain from discharging any such effluent through any drainage installation intended or used for the conveyance of soil water and waste water or from discharging any soil water or waste water through such a separate drainage installation provided for industrial effluent;
  - (d) pay in respect of the discharge of industrial effluent into the public sewer such amount as assessed in accordance with the charges determined in the sewerage tariff; and
  - (e) provide information required by the Council for the purpose of assessing the charge which is payable.
- (2) The Council may by notice in writing to the occupier of any premises from which industrial effluent is discharged, require such occupier or person to do all or any of the following:
- (a) To restrict the discharge of such effluent to certain specified hours and the rate of discharge to a specified maximum and to install, at such person's own expense such tanks, appliances or other equipment as in the opinion of the Council may be necessary or adequate to ensure compliance with such restrictions;
  - (b) to construct at his or her own expense in any drainage installation conveying industrial effluent to the public sewer one or more sampling and metering chambers, of such dimensions and materials and in such positions as the Council may prescribe;



- (c) to provide and maintain at his or her own expense, for the purpose of subregulation (1)(e), a meter measuring the quantity of water drawn from any borehole, spring or other natural source of water and used on the property for industrial purposes.
- (3) If a person discharges or attempts to discharge, or causes or permits to be discharged, into a public sewer any industrial effluent in contravention of any provision of these regulations, the Council may -
  - (a) after notifying the owner or occupier of the premises concerned of its intention to do so, forthwith close and seal off the connecting sewer conveying such effluent to the public sewer for such period as it may deem expedient, so as to prevent such effluent from entering the public sewer; or
  - (b) forthwith suspend the supply of water to the industrial process.
- (4) The Council shall not be liable to any person for any damage resulting from any action taken by the Council in terms of subregulation (3).
- (5) Except with the written permission of the Council, no person shall open or break or cause to be opened or broken any seal of a connecting sewer closed in terms of subregulation (3)(a).
- (6) In the event of the Council acting in terms of subregulation (3)(a), the owner or occupier of the premises shall forthwith furnish written proof to the Engineer that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the Engineer.

#### **Metering and assessment of industrial effluent**

**44.** (1) The Council may, in any drainage installation conveying industrial effluent to a public sewer -

- (a) install, in such position as the Council may determine, a meter or gauge or other device for the purpose of determining the volume or composition of effluent so conveyed; or
- (b) after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged,

and may recover from the occupier of the premises concerned any costs incidental to the installation and maintenance of a meter, gauge or other device so installed or to an alternative method so employed.

(2) Notwithstanding subregulation (1), the Council may require from any person who discharges industrial effluent into a public sewer to provide and install, at such person's own expense -

- (a) separate water supply pipes for water used in any industrial process and water used for other purposes; or

- (b) in such position or positions as the Council may determine, one or more meters in the water installation on the premises for the purpose of recording the water consumption in a specific part of the premises.
- (3) The Council may determine a rebate to apply to the charges determined in the sewerage tariff if the owner or occupier discharges industrial effluent solely during off-peak periods specified by the Council.
- (4) Any person who -
  - (a) opens or damages or in any other manner tampers or interferes with any meter, gauge or other device installed for the purpose mentioned in subregulation (1);
  - (b) in relation to a drainage installation or any such meter, gauge or other device, does, or causes or permits to be done, anything resulting in or which will or could result in any effluent being discharged without passing through such meter, gauge or other device,

shall be guilty of an offence.

(5) An owner of any premises who causes any act to be performed by any other person which constitutes an offence in terms of these regulations, or who knowingly permits such an act to be performed by another person, shall be guilty of an offence.

### **Prohibited discharges**

**45.** (1) No person shall discharge or cause or permit the discharge or entry into any public sewer of any sewage -

- (a) which has a pH value of less than 5,0 or more than 12,0;
- (b) which consists of or contains -
  - (i) any substance likely to produce or give off poisonous or offensive gases or vapours in any drain or public sewer, is explosive or flammable or has an open flash point of less than 93°C;
  - (ii) oil, grease or fat or any detergent or other material capable of causing an obstruction to the flow in drains or public sewers or an interference with the proper functioning of a water care works;
  - (iii) any substance which is likely to produce, in the final treated effluent from any water care works, an undesirable taste after chlorination, an undesirable odour, colour, excessive foam, or to prevent such treated effluent from conforming to the requirements which may have been prescribed under the Water Act, 1956 (Act No.54 of 1956) for purified water;
  - (iv) any substance specified in Annexure C;

- (c) which, in the opinion of the Engineer, may cause harm or damage to any public sewer, sewage pump or water care works or other equipment;
- (d) which may be prejudicial to the purification of sewage effluent for the purpose of re-use, or is not amenable to treatment for such purification, or may cause a breakdown or inhibition of the biological treatment processes;
- (e) which either alone or in combination with any other matter, may generate or constitute a toxic substance dangerous to the health of persons maintaining public sewers or employed at the water care works.

(2) Where the Engineer, or any other official of the Council acting under the control of the Engineer, by notice in writing to any person, orders such person to discontinue the discharge into the public sewer of any effluent or substance, which in the opinion of the Engineer or such official is being so discharged contrary to the provisions of subregulation (1), such person shall forthwith take such steps as may be necessary to cease such discharge.

(3) If a person fails to comply with a notice under subregulation (2), and in the opinion of the Council the discharge is likely to have an adverse affect on the efficient functioning of any water care works, the Council may, by further written notice to such person, refuse to permit the discharge by such person of any industrial effluent into the public sewer until such person has, to the satisfaction of the Engineer, taken the measures necessary to remove the cause of the complaint and to ensure that the industrial effluent will conform in all respects to the requirements of these regulations.

## **CHAPTER 6**

### **GENERAL PROVISIONS**

#### **Levying of sewerage charges in respect of occupied premises not provided with sanitary facilities**

46. Where persons occupying or frequenting any premises or any building which is not provided with a drainage installation, or is not connected to the public sewer and is not provided with any alternative means of sewage disposal as contemplated in regulation 38, make use of the sanitary facilities provided on or in any other premises or building which is connected to the public sewer (other than on a temporary basis while the drainage installation of the first-mentioned premises or building is out of order or being repaired), the owner of the first-mentioned premises or building shall be liable to pay to the Council the charges determined in the sewerage tariff for the provision of a sewerage service as if the premises or building in question had been connected to the Council's sewer.

#### **General rules regarding the levy of charges**

47. (1) If any charge determined in the sewerage tariff in respect of a category of premises is based on the number of persons occupying or otherwise using such premises, the Council may at any time request from the owner or other person having the charge and management of such premises to furnish the Council

with a return on the number of persons occupying or otherwise using such premises, or who have over a specified period occupied or used the premises.

(2) If any person who, in terms of subregulation (1), is required to furnish the Council with a return referred to in that subregulation or with any other information required by the Council for the purpose of assessing the charges payable to the Council, fails to comply with such request within 30 days after receipt thereof, such person shall pay to the Council such charges as may be assessed by it on the best information available to it, without prejudice to the Council's power to levy and recover any additional charges which may be determined to be payable when further information becomes available to the Council.

(3) The charges payable in terms of the sewerage tariff for the disposal of sewage and effluent from swimming pools, fountains and reservoirs, shall, in relation to any building which is unoccupied or has been or is being demolished, remain payable until the date on which the Council is requested to disconnect such premises from the public sewer.

(4) Where, by reason of any change occurring in the nature of occupancy or use of any premises, the application of a different rate of charges under the sewerage tariff is required, the Council shall not be obliged to give effect to any claim for the adjustment of an account rendered by the Council or to make a refund of any moneys paid, unless at least 30 days' notice in writing of such change has been given to the Council.

(5) The charge determined for commercial and industrial premises shall be based on a percentage of the monthly water consumption less consumptive use.

(6) If in respect of any premises the Council, having regard to its size, the number of water supply points and the complexity of the water reticulation system, considers it impractical to determine the quantity of water discharged into the public sewer from records of metered water consumption, it may -

- (a) direct that the water reticulation system be altered at the cost of the owner to facilitate the separate metering of water that will after use be discharged into the public sewer, and water that will be consumed and not be so discharged; or
- (b) assess the quantity of water discharged into the sewer in any meter-reading period in accordance with the quantity of water used on premises of a similar nature as determined by the Council.

(7) Where industrial effluent is discharged from any premises, it shall be deemed that the volume of soil water and waste water discharged from such premises is equal to 5% of the quantity of water consumed on the premises.

(8) Effluent shall be classified as domestic, commercial or industrial in accordance with the zoning of the premises under the town planning scheme applicable within the local authority area.

**General rules regarding charges for industrial effluent**

**48.** For the purposes of regulation 43(1)(d), the following rules shall be applicable in connection with the charges payable under the sewerage tariff for the acceptance, conveyance and treatment of industrial effluent discharged into the public sewer:

- (a) The occupier of any premises from which industrial effluent is discharged into the public sewer, shall, without prejudice to any other charges leviable under the sewerage tariff, pay to the Council an industrial effluent charge, including any minimum charge, as may be determined in the sewerage tariff.
- (b) The industrial effluent charge shall be calculated as a percentage of the water consumed on the premises over the period between meter readings, less consumptive use.
- (c) If during any period the water meter on any premises has not been functioning or functioning correctly, the estimated water consumption as determined in accordance with the Water Supply Regulations shall be applicable for the purposes of paragraph (b).

**General rules regarding charges for sanitary services**

**49.** The following rules shall be applicable in connection with the charges payable for the provision of a sanitary service:

- (a) A deposit as determined by the Council shall be payable in respect of the provision of sanitary services before the commencement of such services.
- (b) Night soil removal services shall be provided at such intervals as the Council may determine in each case.
- (c) The charges for night soil removal shall be based on the number of pails removed or the volume removed from a tank, as the case may be.
- (d) Any sanitary service provided by the Council may be subject to an escalating tariff within 6 months of the introduction of a suitable waterborne system.

**Special agreements**

**50.** (1) Where, by reason of the category of use for which a sewerage service is required by a person, the nature or situation of the premises concerned or the method of provision of a sewerage service, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer on the terms and conditions as may mutually be agreed upon.

- (2) Without prejudice to the generality of the provisions of subregulation

(1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:

- (a) The provision of a sewerage service outside a proclaimed township.
- (b) The sharing of common facilities by users.
- (c) The provision of an alternative means of disposal as contemplated in regulation 38.
- (d) The charges leviable for the provision of the sewerage service.

(3) Except in so far as is otherwise provided in a special agreement, the supply of a sewerage service by the Council under a special agreement shall be subject to the provisions of these regulations.

#### **Use of waste water for irrigation of gardens**

**51.** (1) Notwithstanding anything to the contrary contained in these regulations, the Council may upon application made to it by the occupier of any premises grant permission to such occupier to use, subject to the provisions of this regulation and such conditions as the Council may impose, waste water emanating from such premises for the exclusive purpose of irrigating gardens on such premises.

(2) The following conditions shall apply in respect of the use of waste water for the purpose mentioned in subregulation (1):

- (a) No waste water, other than that emanating from showers and baths or emanating from the rinsing of laundry, whether by means of a washing machine or otherwise, may be diverted for such use.
- (b) No reduction in the charges payable in terms of the sewerage tariff shall be allowed in respect of any waste water so used.
- (c) No tank or other receptacle used for storing such waste water shall in any way be connected to any part of the water installation on the premises.
- (d) Any system used for irrigation by means of such waste water shall not be connected to the water installation in any way.
- (e) Where waste water is diverted from an existing trap or gully at least one sanitary fitting shall be left to discharge water into such trap or gully.

(3) The installation of any system for the purpose of irrigation by means of waste water in terms of subregulation (1), shall for the purposes of these regulations be considered to be a change in the drainage installation and the provisions thereof in relation to the obtaining of approval, shall be complied with.

#### **Interference with sewers, drainage installations or water care works**

- 52.** (1) No person shall break into, enter or in any other manner interfere

with any sewer, trap, screen, manhole, inspection chamber, pump station or other work or any part of any drainage installation: Provided that this prohibition shall not apply to alterations to any drainage installation undertaken by a registered drainlayer carrying out work in accordance with plans approved by the Council or to any maintenance work carried out on a drainage installation.

(2) No person shall enter or loiter on the premises of any water care works without the approval of the Council or contravene any condition subject to which such approval has been granted.

(3) Any person who contravenes any provision of this regulation shall be guilty of an offence.

### **Pipes in streets and public places**

53. (1) Except with the prior written approval of the Council, no person shall, for the purpose of sewage disposal, lay or construct any drain or associated component on, in or under a street, public place or any other land vesting in or under the control of the Council.

(2) A person to whom the Council has granted its approval under subregulation (1), shall carry out the work in question subject to such conditions as may have been imposed by the Council.

### **Obstruction of access to connecting sewer on premises**

54. (1) No person shall prevent or restrict access to any part of a connecting sewer on any premises.

(2) If a person contravenes subregulation (1), the Engineer may -

- (a) by written notice require such person to restore access at such person's expense within a specified period; or
- (b) if the Engineer is of the opinion that the situation is a matter of urgency, without prior notice restore such access and recover the cost from such person.

(3) A person who refuses or fails to comply with a notice of the Engineer in terms of subregulation (2)(a), shall be guilty of an offence.

### **Notices**

55. Any notice required or permitted to be given by the Council in terms of these regulations shall be given in accordance with the provisions of section 93 of the Act.

### **Inspections**

56. If an officer of the Council carries out an inspection at any premises in order to ascertain whether a contravention of these regulations of which the owner or

occupier has previously been notified, has been remedied, the owner or occupier shall be liable for payment of a fee as determined by the Council.

### Penalties

57. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

### Repeal of regulations

58. (1) Subject to subregulation (2), the Drainage and Sewerage Regulations: Municipality of Mariental, promulgated under Government Notice 200 of 27 July 1978 are hereby repealed.

(2) Notwithstanding the repeal of the regulations referred to in subregulation (1), any tariff list or other provisions contained in the said regulations prescribing charges, fees and other moneys payable in respect of the rendering of sewerage and drainage and other related services, shall remain in force until repealed or replaced by charges fees and other moneys determined by the Council under section 30(1)(u) of the Act.

## ANNEXURE A

(regulation 30(2))

### Classification of buildings for occupancy

TABLE I	TABLE 2
Classification of buildings for occupancy	Design Population
Class of Occupancy or Building Occupancy	Class of occupancy of room or storey or portion thereof Population
A1 Entertainment and public assembly Occupancy where persons gather to eat, drink, dance or participate in other recreation.	Number or fixed seats or 1 person per m <sup>2</sup> if seats are not fixed
A2 Theatrical and indoor sport Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performances.	Number of fixed seats or 1 person per m <sup>2</sup> if seats are not fixed



A3 Places of instruction Occupancy where school children, students or other persons assemble for the purpose of tuition or learning	1 person per 5m <sup>2</sup>
A4 Worship Occupancy where persons assemble for the purpose of worshipping.	Number of fixed seats or 1 person per m <sup>2</sup> if seats are not fixed
A5 Outdoor sport Occupancy where persons view outdoor sport events.	Number of fixed seats or 1 person per m <sup>2</sup> if seats are not fixed
B1, B2 and B3 Commercial service (High risk, medium risk and low risk) Occupancy where a non-industrial process is carried out	1 person per 15m <sup>2</sup>
C1 Exhibition hall Occupancy where goods are displayed primarily for viewing by public.	1 person per 10m <sup>2</sup>
C2 Museum Occupancy comprising a museum, art gallery or library	1 person per 20m <sup>2</sup>
D1, D2 and D3 Industrial (High risk, medium risk and low risk) Occupancy where an industrial or manufacturing process is carried out.	1 person per 15m <sup>2</sup>
D4 Plant Room Occupancy comprising usually unattended mechanical or electrical services necessary for the running of the building.	None

E1	
Place of detention	2 persons per bedroom
Occupancy where people are detained for punitive or corrective reasons or because of their mental condition.	
E2	
Hospital	1 person per 10m <sup>2</sup>
Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bed-ridden.	
E3	
Other institutional (residential)	2 persons per bedroom
Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for.	
F1	
Large shop	1 person per 10m <sup>2</sup>
Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 square metres.	1 person per 10m <sup>2</sup>
F2	
Small shop	1 person per 10m <sup>2</sup>
Occupancy where merchandise is displayed and offered for sale to the public and the floor area does not exceed 250 square metres.	
F3	
Wholesalers' store	1 person per 10m <sup>2</sup>
Occupancy where goods are displayed and stored and where only a limited selected group of persons is present at any one time.	
G1	
Offices	1 person per 15m <sup>2</sup>
Occupancy comprising offices, banks, consulting rooms and other similar usage.	

H1  
Hotel  
Occupancy where persons rent furnished rooms,  
not being dwelling units. 2 persons per bedroom

H2  
Dormitory  
Occupancy where groups of people are  
accommodated in one room. 1 person per 5m<sup>2</sup>

H3  
Domestic residence  
Occupancy consisting of two or more  
dwelling units on a single site. 2 persons per bedroom

H4  
Dwelling house  
Occupancy consisting of a dwelling unit on  
its own site, including a garage and other  
domestic outbuilding, if any. 2 persons per bedroom

J1, J2 and J3  
Storage (High risk, medium risk and low risk)  
Occupancy where material is stored. 1 person per 50m<sup>2</sup>

J4  
Parking garage  
Occupancy used for storing and parking of  
more than 10 motor vehicles. 1 person per 50m<sup>2</sup>

Provided that-

- (a) in the case of any occupancy classified as F1, where the total floor area is more than 500 square metres, that portion of the floor area in excess of 500 square metres shall, for the purposes of calculation of the population, be reduced by an amount of 20%.
- (b) if the total floor area of any building is made up of more than one class of occupancy, the design population shall be calculated proportionally for each class of occupancy.

**ANNEXURE B***(regulation 32(2)(c))***Sanitary fixtures and SABS specification**

Item	SABS Specification	Standard
Acrylic sanitary ware Part 1: Baths	SABS 1402	
Automatic shut-off flush valves for water closets and urinals	SABS 1240	
Flushing devices for water closet flushing cisterns	SABS 1509	
Glazed ceramic sanitary ware	SABS 497	
Stainless steel sinks for institutional use	SABS 907	
Stainless steel sinks with draining boards (for domestic use)	SABS 242	
Stainless steel stall urinals	SABS 924	
Stainless steel wash-hand basins and wash troughs	SABS 906	
Water closet flushing cisterns	SABS 821	

Provided that-

- (a) Only water closet pans made of glazed ceramic, stainless steel or other approved material having in every case a glazing or smooth finish shall be approved by the Council.
- (b) No trough closet pans will be allowed on any premises or in any buildings within the municipal area.

- (c) Flushing cisterns or flushing valves for water closets, shall discharge -
  - (i) in the case of a single flush unit, not more than 6 litres of water during one complete flush; or
  - (ii) in the case of a dual flush unit, not more than 6 litres of water during one complete flush when the full-flush lever is actuated, and not more than 3 litres of water during one complete flush when the low-flush lever is actuated;
- (d) Flushing cisterns or flushing valves for urinals shall discharge at each flush not less than 1 litre or more than 2 litres of water for each urinal stalled or for every 600 mm of the width of the urinal.
- (e) Automatic flushing valves and cisterns may only be installed if such valve or cistern is activated by the user of such a urinal.
- (f) The flow through shower heads shall be restricted to a maximum of 10 litre per minute.

**ANNEXURE C***(regulation 45(1)(b)(iv))***Prohibited Substances**

Sewage containing -

- (a) any of the following substances, the concentration of which exceeds the limit specified in respect thereof:

Electrical conductivity not greater than: 500 mS/m at 20<sup>0</sup>C;

Substances not in solution (including fat, oil, grease, waxes and like substances: 2 000 mg/l.

Sulphides, hydro-sulphides and poly-sulphides (expressed as S): 50 mg/l.

Substances from which hydrogen cyanide can be liberated in the drainage installation, public sewer or water care works (expressed as HCN): 20 mg/l.

Sulphates (expressed as SO<sub>4</sub>): 1800 mg/l.

Anionic surface active agents: 500 mg/l.

Cadmium (expressed as Cd): 10 mg/l.

Chromium (expressed as Cr): 20 mg/l.

Cobalt (expressed as Co): 20 mg/l.

Copper (expressed as Cu): 10 mg/l.

Molybdenum (expressed as Mo): 2,5 mg/l.

Nickel (expressed as Ni): 10 mg/l.

Zinc (expressed as Zn): 10 mg/l.

Arsenic (expressed as As): 2,5 mg/l.

Lead (expressed as Pb): 2,5 mg/l.

Selenium (expressed as Se): 2,5 mg/l.

Mercury (expressed as Hg): 2,5 mg/l.

- (b) Any radio-active wastes or isotopes: Such concentration as may be laid down by the Ministry of Health and Social Services.

Notwithstanding the requirements set out in this annexure, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.

Note: The methods used for ascertaining the value of various parameters listed in this Schedule shall be the test methods normally used by the Council for the purpose, details of which shall be supplied on request to any person who discharges industrial effluent.

**ANNEXURE D***(regulation 36(2))***Information to be furnished for installation  
of a sewage pump**

The owner of the premises shall furnish the following information and the relevant literature and characteristic curves through his engineer and sign the application and undertaking:

Information to be supplied and filled in by the responsible engineer.

- (a) Make of pump, name of supplier and purpose for which the pump is designed:
- (b) kW rating and speed of motor:
- (c) Maximum rate of discharge in litres per minute:
- (d) Size of rising main and velocity of discharge in meters per second:
- (e) Capacity and dimensions of storage tank - depth to be given as liquid depth below inlet drain:
- (f) Descriptions of standby equipment, automatic controls, warning systems, and other relevant information:

Any matters relating to the electric power connection and switchboard will be referred to the Electricity Department and will be subject to the approval of that Department.

Signed by the applicant's engineer:

Full name and professional registration  
number:

Application and Undertaking by owner.

I, the undersigned, hereby make application to install a sewage pump for the pumping of sewage and accept without reservations, and undertake to abide by the following conditions:

- (a) The maximum discharge rate shall not exceed ..... litres per minute.
- (b) The onus shall be on the owner of the premises to have the installation regularly serviced and maintained in a hygienic and efficient working condition at all times. Any necessary repairs or replacements are to be affected immediately, to minimise interruptions in operation to a minimum.
- (c) In event of breakdowns from any cause whatsoever, the owner shall take immediate precautions to ensure that unhygienic conditions do not develop.
- (d) The Council shall not be held responsible for any damages or claims which may arise through unhygienic conditions, installation stoppages, inefficient operation, explosion or other causes.
- (e) Council employees shall, at all times, be given unhindered access to the installation for the purpose of inspection.

SIGNED:

Applicant/owner

ERF No: ..... Township

DATE:

FOR OFFICE USE ONLY

CONDITIONS OF APPROVAL:

ENGINEER.      DATE.



**ANNEXURE E***(regulation 42(2))***Form of application for permission to discharge  
industrial effluent into the Council's sewer****1. General****1.1 I,**

the undersigned, duly authorised to act on behalf of

(hereinafter referred to as the applicant), hereby apply for permission to discharge industrial effluent into the public sewer system on the basis of the information set out below:

**1.2 Information relating to applicant:**

Street address

Tel. No.

Postal address:

Contact person:

Designation:

Township:

Stand No(s).:

Landlord:

Tel. No.

- 1.3 Name or style under which the business or industry is carried on
- 1.4 If the business or industry is carried on by a company, state the name of the secretary and if it is a partnership state the names of the partners and their position held in the company and tel. no.:
- 1.5 Nature of the business or industry concerned:
- 1.6 Description of industrial or trade process by which effluent will be produced:

**2. Information relating to employees**

Factory including the office

- 2.1 Total number of daily employees (not to include 2.3)
- 2.2 Number of days worked per week
- 2.3 Number of 8 hour shifts per day
- 2.4 Number of persons resident on the premises
- 2.5 Is a canteen provided? YES/NO  
If YES, state number of meals served per month

### 3. Information relating to water consumption.

Kilolitre/Month

#### 3.1 Approximate quantity of Council water purchased for use on the premises kl/m

N.B. in case of an established business or industry attach copies of all latest assessment and water accounts.

#### 3.2 Approximate quantity of water extracted from borehole(s) and/or other sources:

N.B. in terms of the Council's by-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.

Source

kl/m

Meter no.

- 1.
- 2.
- 3.
- 4.

#### 3.3 Approximate quantity of water entering with raw materials.

Raw material

kl/m

Meter no.

- 1
- 2
- 3
- 4
- 5

**NOTE: VOLUMES MUST BE SUB-METERED WHERE POSSIBLE, OR  
CERTIFIED FROM PRODUCTION FIGURES.**

### 4. Water lost from different causes (kl/m).

#### 4.1 Quantity of water in end product

#### 4.2 Quantity of water used as cooling make-up

#### 4.3 Quantity of water used as boiler make-up

4.4 Does boiler blowdown enter the sewer?

sewer

Quantity

4.5 Specify other non-effluent uses, not domestic

N.B. in order to qualify for non-effluent deductions sub-metres must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

**5. Effluent quality.**

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

5.1 Maximum temperature of effluent (specify degrees in Celsius)

5.2 pH value

5.3 Electrical conductivity  
mS/m

5.4 Nature and amount of substances not in solution

5.5 Chemical oxygen demand value      mg/l

5.6 Maximum total daily discharge      kl

5.7 Maximum rate of discharge      kl/h

5.8 Periods of maximum rate of discharge  
(e.g. 07:00 - 08:00 = 36 kl/h)

5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be placed in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be stated in mg/l.

Substance	Substance
Iron as Fe .....	Cyanide as HCN .....
Chromium as Cr. ....	Fluoride as F .....
Nickel as Ni .....	Sulphides as S .....
Cadmium as Cd .....	Sulphates as SO <sub>4</sub> .....
Copper as Cu .....	Phosphorus as P .....
Zinc as Zn .....	Ammonia as N .....
Cobalt as Co .....	Nitrates as N .....
Lead as Pb .....	Starch or sugars .....
Selenium as Se .....	Tar or tar oil .....
Mercury as Hg .....	Grease and oil .....
Molybdenum as Mo .....	Synthetic detergents.....
Arsenic as As .....	Volatile solvents .....
Boron as B .....	
Other substances .....	Other substances .....

- 5.10 Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

#### Conditions of Acceptance of industrial effluent

This application shall only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the Council may think fit to impose in any particular case:

1. The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant shall submit to the Council, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Council's Drainage regulations concerned with the protection of its employees, public sewers and waste water treatment plant from injury or damage, comply with any direction concerned with such protection given to him by the authorised officer verbally or in writing for the purpose of ensuring the applicant's compliance with the regulations.
4. The applicant shall provide a separate drainage installation for conveying industrial effluent and to discharge same into the sewer via a separate connection as directed by the Council.
5. The applicant shall notify the Council, as soon as possible after he becomes aware of or at least 14 days before anything is done to cause

any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application or in any of the facts stated by him therein.

6. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application is to the best of his knowledge and belief in all respect correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Council.

Signed at ..... on this .....day of ..... 19....

Signature of the applicant

Capacity of applicant

Permission is hereby granted by me on behalf of the Council, I being duly hereunto authorised, for the discharge into the public sewer in accordance with the Council's regulations for industrial effluent as described in this form and in the circumstances therein set forth: Provided that this permission shall be revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant.

The said permission is given subject also to the following special conditions:

SIGNED:

COUNCIL

Date

  
  

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**MUNICIPALITY OF MARIENTAL**

No. 94

1998

**WATER SUPPLY REGULATIONS**

The Council of the Municipality of Mariental has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations as set out in the Schedule.

**BY ORDER OF THE COUNCIL****D.D. GUIBEB****CHAIRPERSON OF THE COUNCIL**

Mariental, 14 April 1998

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#### **Definitions**

1. (1) In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992), shall bear that meaning and, unless the context otherwise indicates -

“accommodation unit”, in relation to any premises, means a building or section of a building occupied or used, or intended for occupation or use for residential, business or industrial purposes or any other purpose;

“Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“approved” means approved by the Engineer in writing;

“connection pipe” means a pipe provided and installed by the Council on a water main for the purpose of supplying water to the premises of a consumer;

“consumer” means the person to whom water is supplied by the Council under a contract of supply, or a special agreement referred to in regulation 68;

“contract of supply” means a contract concluded between the Council and any person in terms of regulation 4 for the supply of water by the Council to such person;

“Council” means the municipal council of Mariental;

“Engineer” means the official of the Council charged with the function of exercising control over the supply of water by the Council;

“local authority area”, means the area comprising the municipality of Mariental;

“occupier” in relation to any premises means -

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises; or
- (d) the agent of any such person who is absent from Namibia or whose whereabouts are unknown;

“owner”, in relation to any premises, means 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 capacity;
- (b) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of the lease, the lessee;
- (c) the owner’s authorized agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) where the premises are beneficially occupied under a servitude or similar right, the person in whom such right is vested.

“residential premises” means any premises used, or intended for use solely for domestic purposes and which is not used for trade, business, manufacturing or industrial purposes;

“service pipe “ means the pipe provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

“water connection” means a water connection provided by the Council on a water main by means of a connection pipe, water meter and isolating valve, for the supply of water to any premises;

“water installation” means the pipes and water fittings installed on, and vesting in the owner of, any premises for the purpose of the use on the premises of water supplied by the Council;

“water main” means a pipe forming part of the Council’s water reticulation system, but does not include a connection pipe;

“water tariff”, in relation to the local authority area, means the tariff of charges, fees and other moneys determined by the Council under section 30(1)(u) of the Act;

(2) In these regulations “SABS” followed by a number or a number and a title, is a reference to the specification of the indicated number and all amendments thereof, published by the Council of the South African Bureau of Standards, and

which are available for inspection at the office of the Engineer at any time during official office hours.

## **CHAPTER 1**

### **SUPPLY OF WATER BY COUNCIL**

#### **Council's sole right to supply water from water main**

2. No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided by the Council pursuant to a contract of supply concluded in accordance with the provisions of these regulations.

#### **Prerequisites for supply of water by Council**

3. (1) The Council shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless -

- (a) the owner or occupier of such premises has concluded with the Council a contract of supply; and
- (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.
- (c) such owner or occupier has no outstanding municipal debt.

(2) Notwithstanding subregulation (1), the Council shall not be obliged to conclude with any person a contract of supply if a water main is not available at a point within the close proximity of such premises from where it is reasonably possible to provide a connection pipe to the premises.

#### **Application for the supply of water**

4. (1) Application may be made to the Council by or on behalf of the owner or occupier of any premises -

- (a) for the initial connection of such premises to a water main; or
- (b) for a reconnection of the supply of water where a previous contract of supply in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.

(2) An application in terms of subregulation (1) shall be made in a form provided by the Council for the purpose and shall be submitted to the Council -

- (a) in the case of an application for an initial connection, at least 14 days; and
- (b) in the case of an application for a reconnection, at least 7 days,

before the date on which the supply of water to the premises in question is required.

(3) Where application is made for the initial connection of any premises to a water main, 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.

(4) When submitting an application in terms of subregulation (1), the applicant shall -

- (a) sign a contract for the supply of water; and
- (b) pay to the Council the fee determined in the water tariff for an initial connection or a reconnection of the supply of water, whichever is applicable.

(5) If the requirements of subregulation (4) have been complied with, the chief executive officer, or any other employee of the Council authorised by the chief executive officer for that purpose, shall sign on behalf of the Council the contract of supply bearing the applicant's signature.

(6) The supply of water by the Council to the premises of a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant contract of supply.

(7) The Council may supply water to any premises outside its municipal boundaries upon application by a consumer, on any condition Council deems fit and under a special agreement referred to in regulation 68, but Council is under no obligation to supply water to such consumer.

#### **Payment of deposit**

5. (1) Every consumer, other than the Government of the Republic of Namibia, shall, before the supply of water is given by the Council, deposit with the Council a sum of money equal to the estimated charge for an average month's supply of water as determined by the Council.

(2) The Council may from time to time review the sum of money deposited by a consumer in terms of subregulation (1) and, in accordance with such review-

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.

(3) If a consumer fails to deposit an additional amount in accordance with subregulation (2)(a) within 30 days after being required in writing by the Council to do so, the Council may suspend the supply of water to such consumer until such additional amount, and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.

(4) Subject to subregulation (5), an amount deposited with the Council in

terms of subregulation (1) or (2), shall not be regarded as being payment or part payment of an account due for the supply of water.

(5) If, upon the termination of a contract of supply in terms of regulation 19, an amount remains due to the Council in respect of water supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this regulation.

### **Connections to water main**

6. (1) Where a contract of supply has been concluded, the Council shall, subject to regulation 4(2) -

- (a) in the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Engineer may determine;
- (b) in the case of a reconnection of the supply of water, cause such reconnection to be made.

(2) The Council may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main.

(3) Where a water connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.

(4) The charges payable for-

- (a) the provision of a water connection, including a water connection pipe, isolating valve and water meter;
- (b) the alteration of the position of a water connection on the water main at the request of a consumer,

shall, subject to subregulation (5), be as determined in the water tariff.

(5) Where the Council is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the Council an amount equal to the actual costs incurred by the Council in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.

(6) Any charge payable in terms of subregulation (4) shall be paid to the Council in advance and, in a case contemplated in subregulation (5), an amount

estimated by the Engineer to cover the sum payable in terms thereof, shall be deposited by the consumer with the Council before the work is commenced by the Council.

**Provision of common water connection for supply to several consumers on same premises**

7. (1) Subject to subregulation (4), only one water connection on the water main shall be provided for the supply of water to any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council may, in its discretion, provide and install either-

- (a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or
- (b) separate water meters for the different accommodation units or any number thereof.

(3) Where the Council has installed a common water meter as contemplated in subregulation (2)(a), the owner or the person having the charge or management of the premises, as the case may be, shall-

- (a) if the Engineer so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units -
  - (i) a separate water meter; and
  - (ii) an isolating valve; and
- (b) be liable to the Council for the charges leviable for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.

(4) Notwithstanding subregulation (1), the Council may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.

(5) Where the provision of more than one water connection is authorised by the Council under subregulation (4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.

(6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one

accommodation unit is located, between the water installations of two or more of such accommodation units.

(7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

#### **Provision of water meter**

8. (1) The capacity of the water meter to be provided and installed by the Council on a water connection to any premises shall be determined by the Engineer.

(2) If so required by the Engineer, the consumer shall provide on the premises an approved place for the installation of the water meter.

#### **Ownership of water connection pipe, water meter and isolating valve**

9. The water connection pipe, water meter and isolating valve provided and installed by the Council on any premises, shall at all times remain the exclusive property of the Council and be under the sole control of the Council.

#### **Safeguarding of water connections and water installations**

10. (1) Every consumer, or property owner if the property is rented out and no consumer can be traced, shall take such measures as are reasonably necessary to prevent the causing of any damage to the water connection or water installation installed on the premises of such consumer or property owner.

(2) Where, by reason of any failure on the part of a consumer, or property owner if the property is rented out and no consumer can be traced, to comply with the provisions of subregulation (1), the water connection or water installation installed on the premises of such consumer or property owner is damaged or destroyed, such consumer or property owner shall be liable to pay to the Council the amount prescribed in the water tariff for the repair or substitution of such water connection or water installation.

(3) Every consumer shall ensure that free and unimpeded access to the water meter on the premises is available at all times.

(4) Where, in the opinion of the Engineer, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Council, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

#### **Tampering with or damage to water meter**

11. (1) No person other than the Engineer or a person duly authorised thereto by the Council shall-

- (a) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the Council;
- (b) where the supply of water to any premises has been disconnected or suspended by the Council for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
- (c) in any other way tamper or interfere with the water meter installed by the Council on any premises,

and no owner or occupier of such premises shall cause or permit any other unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.

(2) Where a contravention of any of the provisions of subregulation (1) occurred on the premises of any consumer the Council may, without prejudice to any other power conferred by these regulations -

- (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and
  - (b) recover from the consumer concerned the cost thereof.
- (3) Any person who -
- (a) contravenes any provision of subregulation (1); or
  - (b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Council on any premises,

shall be guilty of an offence.

### **Repair or substitution of water meter**

**12.** (1) In the event of any repairs to any water meter on any premises being found necessary, such repairs shall be effected only by a person authorised thereto by the Engineer and no other person.

(2) The Council may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned.

(3) The costs incidental to any repairs in terms of subregulation (1), or the replacement of a water meter in terms of subregulation (2), shall be borne by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer to comply with the provisions of regulation 10(2) or because of an act performed in contravention of regulation 11(1), the Council shall be entitled to recover the costs from such consumer.



**Determination of quantity of water supplied**

13. (1) The quantity of water registered by the water meter installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council under any provision of these regulations, shall, for the purposes of these regulations, be considered to be the actual quantity of water supplied by the Council to the consumer.

(2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through the water meter of the Council, the Council may for the purpose of rendering an account estimate, in accordance with subregulation (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of subregulation (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in paragraph (a).

(4) Nothing in these regulations shall be construed as imposing on the Council an obligation to cause any water meter installed by the Council on any premises to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.

(5) When so requested by a consumer, the Council shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

**Payment for water supplied**

14. (1) Water supplied by the Council to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.

(2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the conclusion of the relevant contract of supply until the date of termination thereof in terms of these regulations.

(3) An account rendered by the Council for water supplied to a consumer shall be paid not later than the last date for payment specified in such account.

(4) If payment of an account is received after the date referred to in subregulation (3), a late fee as determined in the water tariff shall be payable by the

consumer to the Council.

(5) If a consumer uses water for a category of use other than that for which it is supplied by the Council in terms of the contract of supply and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the charges payable in accordance with such adjustment.

#### **Payment for water supplied upon amendment of charges**

15. If amendments to the water tariff of the Council in respect of the charges determined for the supply of water, or for the rendering of the service of water supply provided for in regulation 16, become operative on a date between meter readings -

- (a) it shall be deemed, for the purpose of rendering an account for water supplied by the Council, that the same quantity of water was supplied on every day during the interval between the meter readings;
- (b) any availability water charge or minimum monthly charge leviable in accordance with regulation 16, shall be calculated on a *pro rata* basis in accordance with the rate which applied immediately before such amendment and such amended rate.

#### **Charges for rendering service of water supply**

16. (1) The Council may, in addition to the charges determined in the water tariff for water actually supplied, levy an availability water charge or a monthly minimum charge for the rendering of the service of water supply to residents in the local authority area.

(2) Where an availability charge is levied in terms of subregulation (1), it shall be payable -

- (a) subject to subregulation (4), by every owner of premises, with or without improvements, which are not connected to a water main but which can reasonably be provided with such a connection; and
- (b) by every consumer in respect of each water connection provided by the Council to serve the premises occupied by the consumer, whether or not water is consumed on the premises.

(3) Where a minimum monthly charge is levied in terms of subregulation (1), it shall be payable by every consumer in respect of a specified minimum quantity of water, whether or not such quantity of water has actually been consumed by the consumer: Provided that where the amount of water consumed exceeds the minimum quantity specified, the normal rate, except where otherwise provided, shall be charged and be payable in respect of the quantity exceeding such minimum.

(4) Notwithstanding subregulation (2)(a), an availability water charge levied by the Council in accordance with subregulation (1), shall not be payable by the owner of any township in respect of any unalienated premises in the township if -

- (a) the water reticulation system in the township was provided by the township owner at his or her own cost; or
- (b) the township owner has deposited with the Council the capital cost of such reticulation system,

but upon the alienation of such premises to any other person, such availability charge shall be payable by such other person and every successor in title.

### **Objection to account rendered by Council for water supplied**

17. (1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the water meter be tested by the Council.

(2) An objection and request in terms of subregulation (1) shall -

- (a) set out the reasons for the objection and the request;
- (b) be delivered to the Council not later than 7 days after the receipt of the account in question; and
- (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.

(3) If the provisions of subregulation (2) have been complied with, the Council shall forthwith cause the water meter concerned to be tested in accordance with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973).

(4) A meter to which the regulations referred to in subregulation (3) are not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow -

- (a) not less than 75%;
- (b) between 50% and 55%; and
- (c) not more than 20%.

(5) If, upon the testing of a water meter in accordance with subregulation (3) or (4), it is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -

- (a) refund to the consumer the amount deposited in terms of subregulation (2)(c);
- (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of regulation 10(2); and

- (c) determine the quantity of water for a maximum period of three years for which the consumer shall be charged in lieu of the quantity registered by the defective water meter, by taking as basis for such determination, and as the Council may decide -
  - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
  - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
  - (iii) the consumption of water on the premises recorded during the corresponding period in the previous year.

### **Complete failure of meter to register supply of water**

**18.** (1) The Council shall repair or replace any water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of regulation 10(2) are applicable.

(2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the previous last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with subregulation (3).

(3) An estimate for the purposes of subregulation (2) shall be based on, as the Council may decide -

- (a) the average monthly consumption of water on the premises during the period of three months before the date of such previous last reading of the meter;
- (b) the average monthly consumption of water on the premises registered over three successive metered periods taken after the repair or replacement of the defective water meter; or
- (c) the consumption of water on the premises recorded for the corresponding period in the previous year.

### **Termination of contract of supply**

**19.** (1) A consumer may terminate a contract of supply by giving to the Council not less than 7 days' notice in writing.

(2) Subject to subregulations (3) and (4), the Council may terminate a contract of supply if the consumer concerned -

- (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the contract of supply;
- (b) has committed a breach of these regulations, other than a failure to pay an amount due in respect of the supply of water, and has failed to rectify such breach within 48 hours after being required in writing by the Engineer to do so; or
- (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Council and such authority.

(3) In the case of the termination of a contract of supply in terms of subregulation (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the contract.

(4) The Council may without notice terminate a contract of supply if the consumer has vacated the premises to which such contract relates, without having made arrangements to the satisfaction of the Council for the continuation of the contract of supply.

#### **Removal of water connection**

**20.** The Engineer may disconnect and remove a water connection provided by the Council to any premises if -

- (a) the contract of supply has been terminated in terms of regulation 19 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination;
- (b) the building on such premises is demolished; or
- (c) the consumer has not paid accounts rendered for a successive period of six months prior to the decision to disconnect such water connection

#### **Suspension of water supply**

**21.** (1) If an account rendered by the Council in respect of the supply of water is not paid by a consumer before the expiry of the last day for such payment specified in the account, the Council may forthwith suspend the supply of water to such consumer until the amount due is paid by the consumer, together with the charges referred to in subregulation (3).

(2) If the Engineer considers it necessary as a matter of urgency to prevent any wastage of water, unauthorised use of water, damage to property, danger to life or pollution of water, the Engineer may, without prior notice and without prejudice to the Council's power under regulation 19(2)(b) -

- (a) suspend the supply of water to any premises;
- (b) enter upon such premises and carry out, at the owner's expense, such emergency work as the Engineer may deem necessary; and

- (c) by written notice require the owner to carry out such further work as the Engineer may deem necessary within a specified period.

(3) If the supply of water to any premises is suspended under subregulation (1) or (2), the consumer concerned shall, before such supply is restored by the Council, pay the charges determined in the water tariff both for the suspension of the supply of water and for the restoration of such supply .

### **Special water restrictions**

**22.** (1) The Council may at any time, by public notification in a manner as the Council may consider expedient -

- (a) restrict the supply of water in the whole or any part of its area of supply to such hours as it may determine;
- (b) prohibit or restrict the use of water -
  - (i) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days;
  - (ii) for any specified purpose or for any purpose other than that specified;
- (c) determine and impose -
  - (i) limits on the quantity of water which may be consumed over a specified period;
  - (ii) special charges which shall be leviable in respect of water consumed in excess of the limit imposed under subparagraph (i);
  - (iii) a general surcharge on the prescribed charges in respect of the supply of water; or
- (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of particular appliances to a water installation.

(2) A notification in terms of subregulation (1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.

(3) The Engineer may -

- (a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the Engineer be necessary to ensure compliance with a notice in terms of subregulation (1); or
- (b) suspend or, for such period as the Engineer may deem fit, restrict the

supply of water to any premises in the event of any contravention of, or failure to comply with, the terms of a notice in terms of subregulation (1) on such premise.

(4) Where the supply of water to any premises has been suspended under subregulation (3)(b), it shall only be restored upon payment of the charges determined in the water tariff for the suspension and restoration of the supply of water.

(5) The provisions of this regulation and any notice in terms of subregulation (1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

### **General conditions of supply**

**23.** (1) The provision of a connection by the Council for the supply of water shall not constitute an undertaking by it to maintain at all times or at any point in its water supply system

- (a) an uninterrupted supply of water;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard or quality of water.

(2) The Engineer may specify the maximum height to which water will be supplied from a water main.

(3) A consumer who requires to secure the maintenance of any of the conditions mentioned in subregulation (1) on the premises occupied by such consumer, may make the necessary provision for that purpose in the installation on such premises.

(4) The Engineer may interrupt the supply of water to any premises without prior notice.

(5) If in the opinion of the Engineer the consumption of water by a consumer adversely affects the supply of water to another person, the Engineer may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

### **Sale of water by consumers**

**24.** Except in accordance with a special agreement entered into with the Council in terms of regulation 68, no person shall -

- (a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Council to any premises in terms of these regulations ; or
- (b) remove, or cause or permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

### **Special conditions relating to temporary supply of water**

25. (1) Where a special agreement to that effect has been entered into under regulation 68, the Council may supply water on a temporary basis from a fire hydrant or any other source of supply of the Council.

(2) The supply of water in terms of subregulation (1) shall be measured by means of a portable water meter provided by the Council for that purpose.

(3) A portable water meter, and all other fittings and apparatus used for the connection of the portable water meter to a hydrant or other source of supply of the Council, shall remain the property of the Council.

(4) The consumer shall pay to the Council in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Council as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in subregulation (1).

(5) The charges for water supplied and for the use of the portable meter in terms of this regulation shall be paid at the rate determined in the water tariff.

(6) An account rendered by the Council for the charges referred to in subregulation (1), shall be paid to the Council within ten days of the date on which it is rendered.

(7) Where water is taken by a consumer from a hydrant which is not measured by means of a water meter, the sum determined in the water tariff for every day on which water is so taken, shall be paid by the consumer to the Council.

(8) A consumer to whom a portable water meter is provided in terms of subregulation (2), shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Council.

(9) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the Council, or the Council may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer and may deduct such cost from such deposit.

## **CHAPTER 2**

### **PREVENTION OF UNDUE WATER CONSUMPTION**

#### **Waste of water**

26. (1) No owner or occupier of any premises shall permit on such premises -

- (a) the purposeless or wasteful discharge of water from any water installation or water main;



- (b) pipes or water fittings to leak;
- (c) the use of maladjusted or defective water fittings; or
- (d) an overflow of water to persist.

(2) An owner or occupier shall after written notice by the Engineer, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the Engineer, it is causing or is likely to cause an occurrence mentioned in subregulation (1).

(3) If an owner or occupier fails to comply with a notice referred to in subregulation (2), the Engineer may without prior notice take such measures as the Engineer may deem fit and recover the cost incidental thereto from the owner or occupier, as the case may be.

(4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer, uses water in an efficient manner.

(5) The Engineer may by written notice to any consumer prohibit such consumer from using any specified equipment in a water installation if, in the opinion of the Engineer, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Engineer.

(6) Any person who contravenes any of the provisions of subregulation (1) or (4), or fails to comply with a notice referred to in subregulation (2) or (5), shall be guilty of an offence.

#### **Use of water as heat exchange medium**

27. (1) No person shall allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste, except for maintaining a required level of total dissolved solids in a recirculating plant.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

#### **Hot water distribution systems**

28 (1) A pipe conveying hot water directly from a fixed water heater, or from the point of draw-off from a hot-water circulating system to a terminal water fitting, shall not be capable of containing more than 4 litres of water.

(2) A central hot-water system shall be of the circulating type, and the circulating pipes shall be insulated with material which -

- (a) has a co-efficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and

- (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.

(3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.

(4) The owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water system.

- (5) A person who contravenes subregulation (4), shall be guilty of an offence.

### **Prevention of wasteful discharge or overflow of a water**

**29.** (1) The owner of any premises shall ensure that -

- (a) any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank; and
- (b) the primary overflow from any water-closet cistern or tank forming part of the water installation on such premises,

are installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or a storm water system.

(2) A person who contravenes any of the provisions of subregulation (1), shall be guilty of an offence.

### **Requirements in relation to flushing devices**

**30.** (1) Subject to subregulation (2) -

- (a) no type of flushing device shall be used to serve a water-closet pan or urinal other than a flushing device which is actuated -
  - (i) manually by a person using such pan or urinal; or
  - (ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;
- (b) a flushing device installed in a cistern serving a water-closet pan, shall not be capable of discharging -
  - (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or

- (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush lever is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated,

and such a device shall only be connected to a type of water-closet pan in which the trap is cleared in one flush;

- (c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
- (d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device, and where any slab urinal installed on any premises exceeds 1,8 metre in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length.
- (e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
- (f) no automatic cistern or tipping tank shall be used for flushing a urinal.

(2) If, on the date on which these regulations become applicable to the local authority area, there is installed on any premises in such area -

- (a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of subregulation (1);
- (b) any slab urinal which is not served by a flushing device or flushing devices in conformity with the requirements of paragraph (d) of subregulation (1); or
- (c) an automatic cistern or tipping tank to serve any urinal,

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of subregulation (1), as may be applicable, are complied with not later than the date to be fixed by the Council in accordance with subregulation (3), as being the last day for compliance with the requirements of subregulation (1).

- (3) The date to be fixed by the Council for the purposes of subregulation (2) -
  - (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
  - (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner of any premises who fails to comply with the requirements

of subregulation (1), shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until the date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

### **Metering devices for taps and showers**

**31. (1) Subject to subregulation (2) -**

- (a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap that limits the discharge of water in each usage to not more than 1 litre;
- (b) each shower in a battery of showers of two or more on any premises, other than residential premises, shall be fitted with a metering valve that limits the discharge of water in each usage to not more than 2,5 litres;
- (c) the maximum discharge rate of water of any shower head installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.

(2) If, on the date on which these regulations become applicable to the local authority area there is installed -

- (a) on any premises in such area, other than residential premises -
  - (i) any tap serving any wash basin referred to in paragraph (a) of subregulation (1), not being a tap that conforms to the requirements of that paragraph; or
  - (ii) any shower referred to in paragraph (b) of subregulation (1) which is not fitted with a metering valve in conformity with the requirements of that paragraph; or
- (b) on any premises, including residential premises, any shower head which does not conform to the requirements of paragraph (c) of subregulation (1),

the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3), as being the last day for compliance with the requirements of subregulation (1).

**(3) The date to be fixed by the Council for the purposes of subregulation (2) -**

- (a) shall not be sooner than 2 years after the date of commencement of these regulations; and
- (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner -

- (a) of any premises, other than residential premises, who fails to comply with any of the requirements of paragraphs (a) and (b) of subregulation (1); or
- (b) of any premises, including residential premises, who fails to comply with the requirements of paragraph (c) of subregulation (1),

shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation (2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

### **Terminal water fittings outside buildings**

**32.** (1) No owner or occupier of any premises, other than residential premises, and no person to whom a temporary supply of water to any premises is provided in terms of regulation 25, shall install or use on such premises a terminal water fitting outside a building unless such fitting -

- (a) incorporates a self-closing device;
- (b) has a removable handle for operating purposes;
- (c) is a demand-type of tap which limits the quantity of water discharged in each operation; or
- (d) is provided with a lock to prevent unauthorised use.

(2) If, on the date on which these regulations become applicable to the local authority area, there is installed on any premises referred to in subregulation (1) in the area any terminal water fitting outside a building which does not conform with the requirements of that subregulation, the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with subregulation (3) as being the last day for compliance with the requirements of subregulation (1).

(3) A date fixed by the Council for the purposes of subregulation (2) -

- (a) shall not be sooner than 2 years after the date of the commencement of these regulations; and
- (b) shall, in a manner which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.

(4) The owner or occupier of any premises referred to in subregulation (1) who fails to comply with the requirements of subregulation (1), shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in subregulation

(2), this subregulation shall not apply until a date as contemplated in that subregulation has been fixed by the Council in accordance with subregulation (3) and such date has lapsed.

**Installation of separate private meters on premises with several accommodation units may be required**

33. When the water consumption on any premises provided with a single water meter serving two or more accommodation units on such premises is in the opinion of the Engineer substantially higher than in the case of other premises of a similar nature, the Engineer may, if such a requirement has not been made under regulation 7(3), require from the owner of such premises to install, at the owner's expense, separate water meters to serve such accommodation units individually for the purpose of registering the quantity of water supplied to each such unit.

**Measures for conservation of water in relation to gardens and swimming pools**

34. (1) The following requirements shall be applicable to every consumer within the local authority area:

- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Council may determine and announce publicly from time to time.
- (b) Any swimming pool, other than a public or institutional swimming bath, shall within a period of 1 year after the commencement of these regulations, be provided with a permanent cover to eliminate the evaporation of water, which cover shall be retained in place over the swimming pool at all times when the swimming pool is not being used.

(2) Any person who -

- (a) contravenes paragraph (a) of subregulation (1); or
- (b) fails to comply with the requirements of paragraph (b) thereof,

shall be guilty of an offence.

**CHAPTER 3  
PREVENTION OF WATER POLLUTION**

**Pollution of surface water**

35. (1) No person shall -

- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Council or which is under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants in the Council's area of supply;
- (b) wash, throw, or cause or permit to enter any animal therein;

- (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchment of a surface dam;
- (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
- (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or she is responsible, to run or be brought into any such stream, reservoir, aqueduct, or other place; or
- (f) do any other act whereby the supply of water to the inhabitants of the Council's area of supply may be polluted.

(2) A person who contravenes any of the provisions of subregulation (1), shall be guilty of an offence.

#### **Pollution of subterranean water**

**36.** (1) No person shall in any way pollute, or perform any act which is likely to pollute the subterranean water within the local authority area.

(2) The owner or occupier of any premises who uses any underground tank or pipe installed on such premises for the storage or conveyance of any substance, other than water, shall -

- (a) in the case of such a tank or pipe existing on the date of commencement of these regulations, not later than 90 days after that date; or
- (b) where such a tank or pipe is installed on or after the date of commencement of these regulations, not later than 90 days after the date of such installation,

inform the Council in writing of the existence or installation, as the case may be, of such tank or pipe and provide such information in relation thereto as may be required by the Council.

(3) Any person who uses any underground tank or pipe referred to in subregulation (2), shall, through regular inspections and replacement of such tank or pipe and any ancillary pipes and fittings thereof, ensure that the substance contained or conveyed therein is not discharged underground.

(4) The Council may require of any person referred to in subregulation (2), to furnish the Council annually, before such date as the Council may specify, with a report by an independent person approved by the Council, on the condition of any underground tank or pipe referred to in that subregulation and of the result of a pressure test carried out on such tank or pipe and any ancillary pipes and fittings.

(5) The Council may require that any underground tank or pipe referred to

in subregulation (2) be reconditioned or be replaced on a scheduled maintenance programme and that such programme be provided to the Council on request.

(6) Where the result of a pressure test carried out on an underground tank or pipe in terms of subregulation (4), shows the existence of a leakage, the owner shall not later than 14 days after such test has been carried out, empty such tank or pipe and remove it or discontinue using it.

(7) A person who contravenes, or fails to comply with the provisions of subregulation (1), (2) or (6) or who, upon a request of the Council in terms of subregulation (4), fails to furnish the Council with a report referred to in that subregulation, shall be guilty of an offence.

### **Mixing of water from other source with water supplied by Council**

37. (1) No person shall, on any premises to which water is supplied by the Council, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.

(2) No person shall cause or permit rain water to flow into any tank or cistern supplied with water by the Council.

(3) A person who contravenes subregulation (1) or (2), shall be guilty of an offence.

### **Obligation of owner to prevent pollution of water**

38. (1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into -

- (a) the water supply system of the Council; or
- (b) any part of the water installation on the premises.
- (2) The owner of any premises -
  - (a) on which a fire or combined installation is installed;
  - (b) on which a general installation serves -
    - (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;
    - (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory;



- (c) to whom the Engineer has given written notice to do so,

shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.

- (3) The measures required in terms of subregulation (2) shall include -

- (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2(a)(i) of SABS 0252-1:1994;
- (b) the passing of such water through -
  - (i) a reduced-pressure back flow preventer; or
  - (ii) a double-check back flow preventer.

- (4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between -

- (a) the point of discharge from the pipe into the storage tank referred to in subregulation (3)(a); and
- (b) the back flow preventer installed in terms of sub-regulation (3)(b).

- (5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing for adequate measures or devices to prevent a deterioration in water quality in the water installation.

### **Installation and maintenance of back flow preventers**

**39.** (1) Any back flow preventer installed on a water installation shall comply with the requirements as set out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 0252 - 1:1994: Provided that -

- (a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and
- (b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.

- (2) The owner of any premises on which a reduced-pressure or a double-check back flow preventer is installed, shall at his or her own expense ensure that the back flow preventer -

- (a) is inspected and serviced by a registered plumbing contractor not less than once in every twelve months to ensure that it is in proper working

order; and

- (b) is replaced or completely overhauled once in every 5 years.
- (3) The owner shall maintain a record of the inspections and services referred to in subregulation (2) -
  - (a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;
  - (b) the date on which it was carried out; and
  - (c) detail of repairs and replacements that were effected,

and shall keep such record available for inspection by the Engineer at any time during office hours.

### **Protection of water installation**

**40.** (1) An owner shall, apart from the back flow preventers referred to in regulations 38 and 39, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water:

- (a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into which such fitting discharges.
- (b) No inter-connection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.
- (2) If the Engineer is of the opinion that an activity carried out or intended to be carried out on any premises, could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Engineer may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.
- (3) The entry of water into a tank referred to in subregulation (2), shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

### **Laying of pipes in places prone to pollution**

**41.** (1) Subject to subregulation (2), no pipe which is supplied or intended to be supplied with water by the Council, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.

(2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in subregulation (1), the Engineer may, upon application, approve

that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Engineer, effectively protect the pipe and render any leakage of the pipe readily detectable.

(3) Where any water pipe has been laid or installed contrary to the provisions of subregulation (1) or (2), the Council may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.

(4) If the owner or occupier concerned fails to comply with such notice -

- (a) the Council may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
- (b) such owner or occupier shall be guilty of an offence.

(5) Where the supply of water is suspended in terms of subregulation (4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

#### **Use of tanks for water intended for human consumption**

42. (1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Engineer, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.

(2) Where -

- (a) any damage or danger to persons might arise from an interruption of the supply of water; or
- (b) the pressure in the service would be otherwise inadequate,

a tank or tanks shall be provided which, with respect to size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 0252-1:1994.

#### **Storage of water supplied by Council in underground tanks**

43. Except with the permission of the Council and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Council if such water is intended for human consumption.

#### **Measures to prevent development of *bacterium Legionella pneumophila***

44. (1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements

set out in paragraph 7.1.1.2 of SABS 0252-1:1994.

(2) Every owner of any premises on which any installation for the storage of potable water or an air-conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionella pneumophila*.

(3) A professional engineer who carries out an inspection referred to in subregulation (2), shall provide the owner concerned with a written report on the result of his or her inspection and state whether or not the requirements referred to in subregulation (1) are being complied with and, where applicable, particulars of any non-compliance with those requirements.

(4) If a report in terms of regulation (3) shows any non-compliance with the requirements referred to in that subregulation, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.

(5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any air-conditioning cooling water system on any premises, the owner of the premises shall submit to the Engineer a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in subregulation (1).

(6) Any person who -

(a) fails to comply with the provisions of subregulation (2) or (4); or

(b) puts into use any new water installation or air-conditioning cooling water system installed on any premises without having complied with the provisions of subregulation (5),

shall be guilty of an offence.

### **Testing of water in a water installation**

**45.** (1) The Engineer may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).

(2) If, after a series of follow up tests of samples of water taken from a water installation in terms of subregulation (1), it is found that such water does not comply with the standards referred to in that subregulation, and the Engineer is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Engineer -

- (a) cause the water installation to be tested and disinfected in the manner required by regulations 62 and 63; or
  - (b) investigate the cause of the problem and rectify it within a period specified by the Engineer.
- (3) Any tank on any premises in which potable water is stored shall be cleaned by the owner of such premises regularly at intervals not exceeding two years.

#### **CHAPTER 4**

#### **REGISTRATION OF PLUMBING CONTRACTORS**

##### **Persons qualified to do installation work**

**46.** (1) No person, not being registered as a plumbing contractor with the Council in terms of regulation 47, shall -

- (a) do any installation work in respect of which approval in terms of regulation 57 is required;
- (b) replace or repair a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back flow preventer;
- (e) install, maintain or replace a private water meter provided by an owner or occupier in a water installation.

(2) Any person who performs or attempts to perform any work referred to in subregulation (1) without being registered as a plumbing contractor with the Council, shall be guilty of an offence.

##### **Registration of plumbing contractors with Council**

**47.** (1) An application for the registration of any person as a plumbing contractor for the purposes of regulation 46, shall be made in writing to the Council and shall be accompanied by such proof of the applicant's qualifications, training or experience, as the Engineer may require.

(2) Where the Engineer so requires, a person who has submitted an application for registration in terms of subregulation (1), shall, in a form approved by the Engineer, give notice of the submission of his or her application by advertisement in two consecutive issues of a daily newspaper circulating in the local authority area, and which notice shall call upon persons wishing to object to the application to lodge their objections in writing with the Engineer not later 7 days after the date of the last publication of such notice.

(3) If, upon considering an application in terms of subregulation (1) and the report and recommendation of the Engineer, the Council is satisfied that the applicant -

- (a) is a qualified artisan in the plumbing trade, or has any comparable qualification approved by the Council, or has practical experience in that trade which the Council considers to be adequate and appropriate for purposes of registration as a plumbing contractor;
- (b) has an adequate knowledge of these regulations and the provisions of SABS 0252-1:1994; and
- (c)
  - (i) is a Namibian citizen; or
  - (ii) has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia; or
  - (iii) holds an employment permit issued in terms of section 27 of the Immigration Control Act, 1993 (Act No. 7 of 1993), in terms of the conditions of which he or she is not prohibited or prevented from conducting the business of a plumbing contractor in Namibia,

the Council shall, subject to subregulation (4), grant the application and issue to the applicant a registration card.

(4) In addition to the grounds mentioned in subregulation (3), the Council may refuse to grant an application for the registration of a person as a plumbing contractor if the applicant has carried out any work referred to in regulation 46(1) without first being registered as a plumbing contractor with the Council.

(5) The Council may, upon application made to it, register a company or close corporation or partnership as a plumbing contractor if -

- (a) at least one of the directors or members of such company, close corporation or partnership, holding not less than 10% of the shares of such company or of the members' interest in such close corporation or partnership, satisfies the Council with respect to the requirements mentioned in paragraphs (a) and (b) of subregulation (3); and
- (b) the controlling interest in such company, close corporation or partnership is not held by persons who are not Namibian citizens.

(6) Except in the case of the refusal of an application on the grounds of non-compliance with the provisions of subregulation (3)(c) or (5)(b), the Council shall not make a decision that would be adverse to an applicant without giving to the applicant an opportunity of being heard and presenting evidence in support of his or her application.

(7) For the purposes of making a recommendation and report to the Council in relation to an applicant for registration as a plumbing contractor, the Engineer may require that the applicant or, where applicable, a person contemplated in subregulation (5)(a), subjects himself or herself to a test for the purposes of evaluating the applicant's skills in plumbing work or his or her knowledge of the provisions of these regulations and SABS 0252-1:1994.

**Term of registration**

48. Unless it is sooner withdrawn under regulation 49, a registration card is valid for a period of 12 months from the date of its issue, but may be renewed annually upon application made by the holder thereof not later than 21 days before the date on which it is due to lapse.

**Withdrawal or suspension of registration**

49. (1) The Council may withdraw, or suspend for such period as it may determine, the registration of any person as a plumbing contractor if such person or, in the case of a company, close corporation or partnership, one of the directors or members thereof has carried out or caused or permitted to be carried out any plumbing or associated work in a negligent, unsafe or inefficient manner or in contravention of any provision of these regulations or SABS 0252-1:1994.

(2) The Council shall not exercise any power under subregulation (1), unless the Council has -

- (a) given to the person concerned at least 21 days' notice in writing of its proposed action and of the reasons therefor; and
- (b) in such notice, invited such person to lodge with the Council in writing any representations which he or she may wish to make in connection with the Council's proposed action.

**Temporary registration**

50. The Council may upon application made to it by a person who complies with the requirements of regulation 47(3) or (5), register such person temporarily for the purpose of carrying out any specified plumbing work.

**Production of registration card**

51. Any person carrying out or about to carry out any work referred to in regulation 46(1), shall produce his or her registration card when requested to do so by the Engineer or any officer of the Council authorised thereto by the Engineer or any consumer on or in respect of whose premises such work is or is to be carried out.

**Prohibition against employment of unregistered persons for plumbing work**

52. (1) No owner or occupier of any premises shall engage any person or permit any person to carry out any work referred to in regulation 46(1) for or on behalf of such owner or occupier, unless such person is registered with the Council as a plumbing contractor in terms of regulation 47.

(2) A person who contravenes subregulation (1), shall be guilty of an offence.

**Issue of duplicate registration card**

53. (1) A person whose registration card as a plumbing contractor is lost,

destroyed or damaged, may apply to the Council for a duplicate of such card.

(2) An application in terms of subregulation (1) shall be accompanied by a statement made under oath or affirmation stating the circumstances in which the registration card was lost, destroyed or damaged, as the case may be, and the fee for the issue of a duplicate registration card.

#### **Fees for registration and renewal**

**54.** The fees payable to the Council for -

- (a) the registration of a person as a plumbing contractor;
- (b) any renewal of such a registration;
- (c) the issue of a duplicate registration card,

shall be as determined by the Council from time to time.

#### **Responsibilities of registered plumbing contractor**

**55.** A registered plumbing contractor shall -

- (a) ensure that installation work done by him or her or any person under his or her control, complies with these regulations and any relevant SABS standards and codes; and
- (b) certify on the prescribed form that such work complies with these regulations.

### **CHAPTER 5 REQUIREMENTS FOR WATER INSTALLATIONS**

#### **Standard specifications and codes of practice applicable**

**56.** For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council 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.

#### **Information and drawings**

**57.** (1) In respect of every new water installation or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the form determined by the Council, the information and drawings as provided for in Chapter 4 of SABS 0252-1:1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.



(2) A complete set of approved drawings of the water installation shall be kept available at the premises of the work until the certificate of the plumbing contractor referred to in regulation 55(b), is submitted to the Engineer.

(3) Where any installation work has been done in contravention of subregulation (1), the Engineer may by written notice require from the owner of the premises to comply within a specified period with the provisions of that subregulation, in which event -

- (a) work in progress shall be discontinued until the approval required by that subregulation has been granted;
- (b) work that does not comply with these regulations shall be removed from the premises.

### **General requirements for design and construction of water installation**

**58.** (1) Any water installation or service pipe shall be designed and constructed in such a way that-

- (a) velocities in pipes do not exceed 2 metre per second;
- (b) only pipes and fittings be specified and installed that will be able to withstand -
  - (i) the corrosion which may be caused by the water conveyed in the installation; and
  - (ii) any corrosive conditions which may be related to the soil conditions on the premises;
- (c) the installation be functional to the users of the building taking due cognisance of the population and class occupancy of such building;
- (d) provide adequate fire protection where it is required in terms of any other law;
- (e) all components and materials used on the installation are watertight;
- (f) the installation will not cause any danger to the health of the users of the building;
- (g) all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary be properly protected against damage;
- (h) should a water leak or a water pipe burst occur, it will not jeopardise the structural safety of the building.

(2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5 metres inside the boundary of the premises concerned.

(3) The requirements of subregulation (1) shall be accepted to be satisfied where the water installation complies with the requirements of -

- (a) SABS 0252-1:1994 (Water supply installations for buildings);
- (b) paragraph PP 13(2) of SABS 0400-1990 P relating to the number of the sanitary fittings with adequate water supply required for the population of the building; and
- (c) SABS 0400-1990 Part W in relation to any fire installation.

(4) No person shall connect to a water installation a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

### **Design of a proposed water installation**

**59.** (1) The Council may require that a proposed water installation be designed by a professional engineer or other approved competent person, in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.

(2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements as set out in these regulations and in Chapters 2,3,4,5,6 and 7 of SABS 0252-1:1994.

### **Materials, fittings and components**

**60.** (1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-1:1994, or similar pipes, joints and fittings approved by the Council, shall be used on any water installation.

(2) Notwithstanding anything to the contrary in these regulations or any relevant SABS standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion, shall be used should the water be corrosive or aggressive soil conditions occur in the local authority area.

(3) Solar water-heating systems shall be installed in accordance with SABS 0106.

### **Control over work on water installation**

**61.** (1) Subject to subregulation (2), the installation of a water installation shall be carried out -

- (a) in accordance with drawings approved in terms of regulation 57 and detail specification for the installation; and
- (b) in conformity with the requirements of Chapter 8 of SABS 0252-1:1994.

(2) Every person carrying out or exercising control over the installation of any water installation shall ensure that -

- (a) where copper pipes are used in the installation -
  - (i) such pipes are properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
  - (ii) only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
- (b) no lead chalked joints are used on any cast iron pipe;
- (c) no solvent cement welded joints are used on any unplasticised polyvinyl chloride (uPVC) pipes;
- (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises; and
- (e) no pipe is installed within the cavity of a wall, except where it crosses the wall.

(3) Any fixed water heater in a water installation shall be adjusted to operate on a temperature range of between 55°C and 60°C to prevent speedy corrosion in the hot water pipe network.

#### **Cleaning, inspection, testing and disinfection of water installation**

**62.** (1) Subject to subregulation (2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 0252-1:1994.

- (2) Every water installation shall on completion -
- (a) be properly cleaned to remove any foreign matter;
  - (b) be inspected by the Engineer in the presence of the plumbing contractor by whom or under whose control it was installed;
  - (c) be tested under pressure in accordance with paragraph 9.2 of SABS 0252-1:1994; and
  - (d) be disinfected in accordance with paragraph 9.3 of SABS 0252-1:1994.

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

#### **Engineer may require testing or disinfection of water installation**

**63.** (1) The Engineer may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.

(2) The registered plumbing contractor employed to test and disinfect any water installation in terms of subregulation (1), shall within five working days of completion of the work, submit to the Engineer the certificate referred to in regulation 55(b).

(3) The owner of the premises concerned shall bear the costs incidental to the testing and disinfection of any water installation required in terms of subregulation (1).

## **CHAPTER 6**

### **PROVISIONS RELATING TO FIRE EXTINGUISHING EQUIPMENT**

#### **Provision of water connection for fire-fighting purposes**

**64.** (1) Notwithstanding anything to the contrary contained in these regulations, the Council may, where a special agreement therefor has been concluded with the owner of any premises under regulation 68, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.

(2) The costs incidental to the provision by the Council of a water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be calculated at the actual cost plus an additional levy of 15% of such costs to cover indirect costs.

(3) The pipes necessary for providing the water connection shall be installed by the Council up to the boundary of the premises concerned, and shall not be used for any purpose other than to serve the fire installation on the premises.

(4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.

(5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use, shall be provided by the Council on the water connection pipe provided for the premises.

(6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Council, which shall -

- (a) be of the same nominal diameter as the water connection pipe;
- (b) be placed in such position as may be determined by the Engineer; and
- (c) be installed in front of the water meter.

#### **Design of fire installation**

**65.** (1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control

the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.

(2) The requirements of subregulation (1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other approved competent person according to a detail design, or where the fire installation complies with paragraph 3 of Part W of SABS 0400.

(3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

### **General requirements for fire installations**

66. (1) Where a sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Engineer.

(2) No extension or connection from any fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made, the Council may take any steps necessary to disconnect such a connection or extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.

(3) No supply of water shall be made or given until the fire installation has been inspected and the Engineer has certified in writing that such installation is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.

(4) Any unmetered water connection provided by the Council to the water main for the purposes of a fire installation shall be at the pleasure of the Council, which shall be entitled to discontinue providing such connection at any time after at least 30 days' notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection

(5) All fittings provided by an owner of any premises for fire-fighting purpose, including hose reels, hydrants and sprinkler systems, shall comply with the Council's regulations on fire protection.

(6) Any person who contravenes the provisions of subregulation (1) or who makes or causes or permits to be made, any connection or extension in contravention of the provisions of subregulation (2), shall be guilty of an offence.

### **Payment for water supply to a fire installation**

67. The charges for the supply of water to a fire installation shall be as determined in the water tariff.

## CHAPTER 7 GENERAL PROVISIONS

### Special agreements

68. (1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.

(2) Without prejudice to the generality of the provisions of subregulation (1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:

- (a) Where a supply in bulk is given to any consumer outside the local authority area, the Council may permit such consumer to resell the water to other consumers outside the local authority area.
- (b) If the Council permits a consumer to resell water -
  - (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer; and
  - (ii) require that plans of any proposed reticulation system be submitted to the Council for approval as a condition precedent to authority to resell being given.
- (c) Where any consumer is given a supply by means of more than one connection to the a water main, the Council may stipulate the manner in which and the times during which the supply from any one or more of such connections may be used by the consumer.
- (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (e) The Council may stipulate the price at which the supply is to be given to any consumer.

(3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Council, the Council may at any time demand that the consumer submit to the Council for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where submeters have been installed by the consumer, demand that the consumer cause any of such submeters to be tested to the satisfaction of the Engineer at the consumers's cost, and that any meter which is found to be defective be repaired or replaced.

(4) Except as is otherwise provided in a special agreement, the supply of water under such agreement shall be subject to the provisions of these regulations.

### **Supply of non-potable water by the Council**

**69.** (1) The Council may on application made by any consumer and under a special agreement entered into in terms of regulation 68, grant the supply of non-potable water to such consumer.

(2) Any supply of non-potable water in terms of subregulation (1), shall not be used for domestic purposes or for any other purpose which, in the opinion of the Engineer, may give rise to a health hazard and has been specified by the Engineer.

(3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Council, or its suitability for the purpose for which the supply of such water was granted.

(4) The supply of non-potable water by the Council shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.

(5) Where non-potable water supplied by the Council is used for irrigation purposes, the consumer shall -

- (a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and
- (b) take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.

(6) On premises where non-potable water is used, the consumer shall ensure that -

- (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
- (b) every tap used for the discharge of such water can only be operated by means of a detachable key or handle which shall be removed from such tap after every use thereof.

(7) In an area where treated sewage effluent is used, the consumer shall erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.

(8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services and the Ministry of Agriculture, Water and Rural Development from time to time.

(9) If the consumer fails to take any of the steps referred to in subregulations (5)(b), (6), and (7), the Engineer may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Engineer may -

- (a) cause such steps to be taken at the consumer's expense; or
- (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.

(10) Every owner of premises supplied with non-potable water by the Council -

- (a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises, is properly identified to prevent any cross connection with the potable water system on such premises; and
- (b) shall not, without the approval of the Engineer, extend or alter such non-potable water system or cause it to be extended or altered.

(11) A person who contravenes any provision of subregulation (10), shall be guilty of an offence and the supply of non-potable water to such premises shall be permanently terminated by the Council.

#### **Private boreholes**

**70.** (1) If, on the date of commencement of these regulations, any borehole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement -

- (a) notify the Council in writing of the existence of such borehole; and
- (b) provide the Council with full particulars of the discharge capacity of such borehole.

(2) Without derogating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Council, which may be granted subject to such conditions as the Council may determine, but subject thereto in every case that -

- (a) the proposed position of the borehole shall be clearly indicated on a site plan;
- (b) any unsuccessful borehole shall be properly sealed;
- (c) the geological information and the depth of the borehole shall be recorded;
- (d) the discharge capacity of the borehole shall be determined; and
- (e) the rest water level shall be recorded after the drilling of the borehole.

(3) Except with the prior written approval of the Council, no existing



borehole situated within the area of jurisdiction of the Council, shall be replaced or drilled deeper.

(4) If the Council has reason to doubt the reliability of any particulars given in terms of subregulation (1)(b) or any information recorded in terms of subregulation (2), it may by written notice require that the owner of the premises in question carries out, at his or her expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.

(5) The Council may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.

(6) If, in the area of jurisdiction of the Council, subterranean water is used by the Council for public purposes, or by the community, the Council may determine a quota for the maximum abstraction of water from a borehole on private premises.

(7) Whenever the Council considers it necessary for the purpose of determining the ground water level within the local authority area, the Council may cause the water rest levels of any borehole on any property in such area to be measured, and any person designated by the Engineer to perform such task may enter the premises for that purpose.

(8) Any person who contravenes or fails to comply with any of the provisions of subregulations (1), (2) or (3), shall be guilty of an offence.

#### **Laying of pipes in streets or public places**

71. (1) Except with the prior written approval of the Council and subject to such conditions as may be imposed by it, no person shall lay or construct any pipe or associated component on, in or under a street or public place, or any other land vesting in or under the control of the Council, for the purpose of conveying water derived from whatever source.

(2) A person to whom the Council has granted its approval under subregulation (1), shall carry out the work in question subject to such conditions as may have been imposed by the Council.

#### **Obstruction of access to water connection on premises**

72. (1) No person shall prevent or restrict the Engineer or any duly authorised official of the Council from gaining access to any part of the water connection on any premises.

(2) If it is not reasonably possible for the Engineer or an official referred to in subregulation (1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer concerned, and without prejudice to the Council's powers under regulation 10(4), require that the consumer removes such object and restores such access within a period specified in the notice.

(3) If, in a case contemplated in subregulation (2), the Engineer is of the opinion that the situation is a matter of urgency, or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Engineer may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer the cost incurred for that purpose.

(4) The Council shall not be liable for any damage resulting from any action taken under subregulation (3), but shall restore such premises to the former condition should no breach of these regulations be discovered.

(5) A consumer who refuses or fails to comply with a notice in terms of subregulation (2), shall be guilty of an offence.

### **Notices**

73. Any notice required or permitted to be given by the Council in terms of these regulations shall be given in accordance with the provisions of section 93 of the Act.

### **Penalties**

74. Any person convicted of an offence under these regulations, shall be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

### **Repeal of regulations**

75. (1) Subject to subregulation (2), the Water Supply Regulations: Municipality of Mariental, promulgated under Government Notice 160 of 1 December 1931, are hereby repealed.

(2) Notwithstanding the repeal of the regulations referred to in subregulation (1), any tariff list or other provisions contained in the said regulations prescribing charges, fees and other moneys payable in respect of the supply of water and other related services, shall remain in force until repealed or replaced by charges, fees and other moneys determined by the Council under section 30(1)(u) of the Act.

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