

SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

BY-LAW ON BUILDING CONTROL

The Municipal Council of Senqu Local Municipality in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-law on Building Control.

SCHEDULE

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CHAPTER 1

OBJECTIVES, DEFINITIONS AND APPLICABILITY OF BY-LAW

1 Objectives

(1) The objectives of this By-law are to:

- (a) give effect to the right contained in Part B of Schedule 4 of the Constitution;
- (b) provide, in conjunction with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), an effective legal and administrative framework, within which the Municipality can manage and regulate activities relating to building;

(2) Any person exercising a power under this By-law must exercise such power in order to give effect to the objectives as set out in subsection (1) above.

2 Definitions

In this By-law all words and phrases, except the words and phrases defined in this By-law, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise -

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

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

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

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

"compliance officer" means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;

- (d) appointment as a law enforcement officer or traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or
- (e) appointment by the Municipality as a compliance officer or an inspector;

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

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

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

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

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

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

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

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

"form" means a form approved by the Municipality for the purposes of this By-law;

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

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

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

"Municipality" means the Senqu Municipality and includes the Municipality, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such employee or agent;

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

- (a) a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- (b) in case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 [Act 95 of 1986], the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

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

- (a) a general plan or diagram registered in term of the Land Survey Act, 1927 (Act 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or
- (b) a sectional plan registered in term of the Sectional Titles Act, 1986 (Act 95 of 1986);

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

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

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

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

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

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

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

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

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

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

"tariff" means means any tariff, fee or charge determined for purposes of this By-law, by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017;

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

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

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

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

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

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

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

3 Applicability of By-law

(1) This By-law is supplementary to and must be read with any applicable provisions of the National Building Regulations and Building Standards Act and the National Building Regulations made under that Act.

(2) In the event of a conflict between this By-law and the National Building Regulations and Building Standards Act or the National Building Regulations, the provisions of the Act and the National Building Regulations shall prevail to the extent of the inconsistency.

(3) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates building control, the provisions of this By-law shall prevail to the extent of the inconsistency.

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

(5) Any building, sewerage installation and water installation may, at any time after its completion and commissioning, be subjected to such inspection, approval, tests and control as the Municipality may require or considers necessary.

CHAPTER 2

STREETS AND PAVEMENTS

4 Cat-heads, cranes and platforms

A cat-head, lifting crane, platform and other such apparatuses shall not overhang any street or sidewalk unless the contractor, owner or operator obtains the prior written consent of the Municipality.

5 Slab footway or pavement

(1) The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.

(2) Paving or slabs shall be laid to the grade, line and cross-fall pointed out by the Municipality and shall conform to the following further requirements:

(a) For ordinary paving or slabs, the minimum cross-fall shall be 1:100 and the maximum cross-

fall 1:25;

- (b) non-skid paving or slabs of a type to be approved by the Municipality shall be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall shall not exceed 1:15;
- (c) longitudinal grades shall not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade shall not exceed 1:15.

(3) When carriage openings are formed in kerbs and cross footways or pavements, such openings shall be paved or slabbed.

(4) The Municipality may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

6 Planting on footway and sidewalk

(1) The owner or occupier of an erf adjoining a street may, at his or her own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of an erf aforesaid may plant with flowers or small shrubs, a strip of land not exceeding 1 m in width immediately adjoining the said erf.

(3) The Municipality may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

7 Street gutter bridged

No person shall bridge over or enclose any gutter or stormwater drain under the control of the Municipality without the prior written consent of the Municipality.

CHAPTER 3

BUILDINGS

8 Encroachment

(1) A cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof.

(2) A foundation that is at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m.

(3) A sunshade and overhead lamp may exceed a street boundary or building line: provided that there shall be a head clearance of at least 2lm, measured from the finished ground level to the lowest point of such sunshade or overhead lamp.

(4) Eaves projections may exceed the street boundary or building line.

9 Restriction on the erection of buildings within the one-in-fifty-year flood line

(1) No building shall without the prior permission of the Municipality be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Municipality, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.

(2) For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

10 Relay of stormwater from a high-lying erf to a lower lying erf

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

11 Enclosure

Where any erf is enclosed in whichever manner, such enclosure shall be designed, erected and maintained according to Schedule I, subject to any other provisions of this By-law.

CHAPTER 4

SEWERAGE

Part 1: General Provisions

12 Connection to sewer

(1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain at his/her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

(2) Subject to the provisions of subsection (4) and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises shall, 14 days before the drainage installation on his or her premises will be ready for connection to a connecting sewer, advise the Municipality of his or her intention to so connect.

(3) As soon as the Municipality has provided the connecting sewer, he or she shall connect the drain to it at his or her own expense.

(4) Any alternative or additional connection required by the owner shall be subject to the approval of the Municipality and shall be effected at the owner's expense.

(5) No person shall permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.

(6) Save as may be otherwise authorised by the Municipality in writing, no person other than an official duly authorised to do so, shall lay and connect any connecting sewer to the sewer.

(7) The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Municipality.

13 Disconnection of drainage installations and conservancy or septic tank

(1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Municipality may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.

(2) After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Municipality shall issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate shall have been issued by the Municipality, any such charges shall continue to be raised.

(3) When a drainage installation is disconnected from a sewer, the Municipality shall seal the opening so made and shall recover from the owner the cost of such work in terms of section 14(5).

(4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (3), shall be guilty of an offence.

(5) Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the applicable tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Municipality, can be connected to a sewer, shall be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

14 Drainage work which does not comply with requirements

(1) Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or this By-law, the owner shall, on receipt of a written notice by the Municipality to do so and notwithstanding the fact that he or she may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.

(2) When, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his/her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.

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

(4) The Municipality may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right also to prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or this By-law, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or this By-law and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).

(5) Where any work other than that for which a fixed charge has been determined, is undertaken by the Municipality, the costs of which it is entitled in terms of this By-laws to recover from any person, there may be included in such costs such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15 Maintenance

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

16 Drainage and sewer blockage

(1) No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.

(2) When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he or she shall forthwith inform the Municipality of the blockage and take steps to have it cleared.

(3) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (5), be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person as aforesaid shall, before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his/her intention to do so, and shall when he or she has done so, notify the Municipality of that fact and of the nature, location and cause of the said blockage.

(5) The Municipality shall, whether or not it has been requested by the owner to do so, be entitled, at

its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with section 14(5).

(6) Should the clearing by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality shall not be liable for the reinstatement thereof.

(7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage and the Municipality may recover such cost from the owner in accordance with section 14(5).

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

17 Interference with or damage to sewer and water care works

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

18 Entry onto premises

(1) A compliance officer shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Municipality may deem necessary.

(2) Any owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any compliance officer demanding the same in terms of subsection (1), or who obstructs or causes or suffers any person to obstruct such compliance officer in the performance of his or her duties, or who withholds or causes or suffers any other person to withhold information required by the compliance officer for the purpose of carrying out his/her said duties, or who gives or causes or suffers any other person to give to the compliance officer any information which is to his/her knowledge false, shall be guilty of an offence.

19 Manhole on municipal property

(1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide and, in addition, the owner shall bear the cost, as assessed by the Municipality, of any alteration to

existing services in the public place which may, by reason of the construction of the manhole, be necessary.

(2) The owner of the private premises referred to in subsection (1) shall, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manholes in the public place.

20 Mechanical food waste or other disposal units

(1) No person shall incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Municipality installs and seals at the cost of the owner and to which the Municipality has the right of access at all times, has been connected into the supply pipe which provides water to the unit.

(2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Municipality, is functioning inefficiently or which may impair the working of the Municipality's sewerage system.

(3) The owner shall, upon the removal of any such unit or grinder, notify the Municipality in writing within 14 days of its removal.

(4) The charges as prescribed in the applicable tariff shall be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (1).

Part 2: Prevention of Water Pollution

21 Sewage or other pollutants not to enter stormwater drains

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

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

22 Stormwater not to enter sewers

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

23 Discharge from swimming pools

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

24 Permission to discharge industrial effluent

(1) No person shall discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Municipality or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.

(2) Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to do so on the applicable form, to be completed in duplicate, and shall thereafter furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Municipality and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the applicable tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.

(4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Municipality in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of subsection (3) shall be guilty of an offence and be liable to such charge as the Municipality may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.

(6) Without prejudice to its rights in terms of subsection (5) or of section 25(2)(c), the Municipality shall be entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 25 or which has been the subject of an order issued in terms of section 25(2), the whole cost of expenses or charges incurred or to be incurred by the Municipality or of losses suffered or to be suffered as a result of any or all of the following:

- (a) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
- (b) a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), as amended, or any action against the Municipality consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Municipality.

(7) Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1956, or as a result of any amendment of this By-law or due to any other reason, the Municipality may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into

the sewer or prohibit the discharge of any or all such effluent into the sewer or prohibit the discharge of any or all of such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having lapsed and the new or amended conditions, if any, as the case may be, shall forthwith apply.

25 Control of industrial effluent

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of this By-law.

(2) The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, shall obtain prior written permission from the Municipality.

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her, without prejudice to any other provision of the National Building Regulations or this By-law, to do all or any of the following:

- (a) To subject the effluent before it is discharged into the sewer, to such pretreatment as will ensure that it will at all times conform in all respects with the requirements of section 26(1) or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Municipality is necessary to enable any water care works receiving the said effluent, whether under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956;
- (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the said restrictions;
- (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Municipality, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- (d) to construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe;

- (e) to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the applicable tariff: provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Municipality may use such alternative method of assessment as it may deem expedient and the charge to be levied shall be assessed accordingly;
- (f) to provide all such information as may be required by the Municipality to enable him or to assess the charges payable in terms of the applicable tariff; and
- (g) for the purposes of subparagraph (f) to provide and maintain at his or her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the property and discharged as industrial effluent into the sewer.

26 Metering and assessment of the volume and composition of industrial effluent

(1) The Municipality may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: provided that the Municipality may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.

(2) The Municipality shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes shall:

- (a) register such borehole or well with the Municipality;
- (b) provide the Municipality with full particulars of the discharge capacity of the borehole or well; and
- (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of this By-law.

27 Prohibited discharges

(1) No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:

- (a) in the opinion of the Municipality, may be offensive to or may cause a nuisance to the public;
- (b) is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
- (c) has a pH value less than 6,0 or greater than 10,0;

- (d) contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
- (e) contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;
- (f) contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) exceeds any of the limits or concentrations of substances specified in Schedule II: provided that the Municipality may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Municipality is satisfied that, in the circumstances, the discharge of such substance will not:
 - (i) damage any sewer, mechanical appliance, water care works or equipment; or
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (iv) contains any substance of whatsoever nature which, in the opinion of the Municipality:
- (v) is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
- (vi) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956; or
- (vii) whether listed in Schedule 2 or not, either alone or in combination with other matter may:
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Municipality's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

(2) Any person receiving from a compliance officer a written order instructing him or her to stop the discharge into the sewer of any substance referred to in subsection (1), shall forthwith stop such discharge.

(3) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of subsection (2), shall be guilty of an offence.

(4) Notwithstanding the provisions of subsection (3), should any person have failed to comply with the terms of an order served on him or her in terms of subsection (2) and such discharge is likely, in the opinion of the Municipality, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this By-law, in which event the person responsible for the discharge shall forthwith stop it, or if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

CHAPTER 5

WATER

28 Connection from mains

(1) All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Municipality as far as the boundary of the consumer's property

(2) Such communication pipes shall be used only for fire extinguishing purposes.

(3) No take-off of any kind shall be made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank shall be controlled by a suitable ball tap.

29 Valves in communication pipes

Every communication pipe shall be fitted with a proper stop valve, which said valve shall be -

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

30 Additions to system

No further sprinkler shall be added or connected to any existing fire extinguishing system after such system has been connected to the mains without the prior written consent of the Municipality.

31 Extension of System to other premises

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

32 Inspection and approval of Fire Extinguishing Service

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

33 Connection to be at pleasure of Municipality

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

34 Installation of reflux valve

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

35 Sprinkler system

(1) A sprinkler system may be installed in direct communication with the main, but the Municipality shall not be deemed to guarantee any specified pressure of water at any time.

(2) When an automatic sprinkler system has been installed and completed, the owner shall advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

36 Header tank or duplicate supply from mains

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

CHAPTER 6

NOTICES

37 Notices

(1) Every notice, order or other document issued or served by the Municipality in terms of this By-law shall be valid if signed by a compliance officer.

- (2) If a notice is to be served on a person in terms of this By-law, such service shall be effected by:
- (a) Delivering the notice to him personally or to his duly authorized agent or;
 - (b) By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
 - (c) If he has nominated an address for legal purposes, by delivering the notice to such an address; or
 - (d) By registered or certified post addressed to his last known address.
 - (e) In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;

- (f) If service cannot be effected in terms of paragraphs (a) to (e) by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

(3) Any notice, order or other document served in terms of this By-law on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it to him by registered post.

(4) In every notice, order or other document issued or served in terms of this By-law, the premises to which it relates shall be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

CHAPTER 7

LAW ENFORCEMENT

38 Appointment of compliance officer

(1) The Municipality may appoint or designate a person or employee to serve as a compliance officer for purposes of compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

39 Powers and functions of a compliance officer

(1) A compliance officer may, subject to subsection (2) and (3), at any reasonable time, and without prior notice, enter any land property, building or premises for purposes of ensuring compliance with this By-law.

(2) An inspection of a private dwelling may only be carried out by a compliance officer at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, or with a warrant issued in terms of the Criminal Procedure Act, 1977.

(3) The compliance officer is not required to give any notice to enter land or a building, other than a private dwelling, and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if:

- (a) he or she believes on reasonable grounds that a warrant would be issued to him or her on application; and
- (b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.

(4) A compliance officer shall show proof of his or her written appointment or identification card contemplated in section 38(3) when required to do so by any person affected by the exercising of a power or show proof that he or she is a law enforcement officer.

(5) A compliance officer may not investigate a matter in which he or she has a direct or indirect personal

interest.

- (6) In ascertaining compliance with this By-law, a compliance officer may:
- (a) be accompanied by an interpreter, a police officer or any other person who may be able to assist with the inspection;
 - (b) question any person who is or was on that property, who in the opinion of the compliance officer, may be able to furnish information on a matter to which this By-law relates;
 - (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute:
 - (i) an offence in terms of this By-law; or
 - (ii) a breach of an approval or a term or condition of such approval
 - (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of investigating any matter in connection with this By-law;
 - (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
 - (f) require a person to produce or to deliver to a place specified by him or her, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
 - (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample;
 - (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this By-law, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;
 - (j) direct any person to appear before him or her at such time and place as may be determined by him or her and question such person either alone or in the presence of any other person on any matter to which this By-law relates; and
 - (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purposes of his or her investigation.

(7) When a compliance officer removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she shall issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(8) Where a compliance officer enters any land in terms of subsection (1), a person who controls or manages the land shall at all times provide such facilities as are reasonably required by the compliance officer to

enable him or her to perform his or her functions effectively and safely under this By-law.

(9) A compliance officer who enters and searches any property or private dwelling under this section, shall conduct such search with strict regard for decency and order and with regard for each person's right to dignity, freedom, security and privacy.

40 Offences and penalties

(1) A person shall be guilty of an offence if such person

- (a) fails to comply with a decision taken or condition imposed by the Municipality in terms of this By-law.
- (a) wilfully and with intent provides false or misleading information in connection with an application contemplated in this By-law;
- (b) unlawfully prevents a compliance officer entry to his or her premises or causes or permits any other person to prevent entry;
- (c) obstructs or hinders a compliance officer in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the compliance officer;
- (d) refuses or fails to provide to a compliance officer such information as is required to allow a compliance officer to perform a function in terms of this By-law;
- (e) furnishes false or misleading information to an official of the Municipality when called upon to furnish information;
- (f) impersonates a compliance officer;
- (g) contravenes or fails to comply with any provision of this By-law; or
- (h) supplies particulars, information or answers in an application or on knowing it to be false, incorrect or misleading.

(2) Any person convicted of an offence in terms of this By-law, shall be liable upon conviction to a fine or imprisonment or to both such fine and imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment, or to both such fine and imprisonment, in respect of each day on which he or she so continues with that conduct.

41 Prosecution of corporate body and partnership

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of this By-law if such offence was committed by:

- (a) a corporate body established in terms of any law; or
- (b) a partnership; and

such person failed to take reasonable steps to prevent the offence.

CHAPTER 8

GENERAL

42 Appeals

Any person may appeal against any decision taken under this By-Law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000, as amended.

43 Exemptions

- (1) Any person may, in writing, apply for exemption from the provisions of this By-law to the Municipality.
- (2) An application in terms of subsection (1) above must be accompanied by reasons.
- (3) The Municipality may grant a temporary exemption in writing from one or all of the provisions of this By-law, provided that the Municipality:
 - (a) is satisfied that granting the exemption will not prejudice the objectives referred to in section 1; and
 - (b) grants any exemption subject to conditions that promote the attainment of the objectives referred to in section 1.
- (4) The Municipality must not grant an exemption under subsection (1) until the Municipality has:
 - (a) taken measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers (including surrounding communities), are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided such persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.
- (5) The Municipality may:
 - (a) from time to time review any exemptions granted in terms of this section; and
 - (b) on good grounds withdraw any exemption.

44 Repeal of by-laws

The By-Laws supplementary to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and the Regulations published in the *Provincial Gazette* by Notice Number 186 of 2005 is hereby repealed.

45 Short title and commencement

This By-law shall be known as the Senqu Municipality: Building Control By-law, 2017 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

SCHEDULES

Schedule 1

Conditions for an Enclosure

1 Height restrictions

- 1.1 Notwithstanding the provisions of paragraph 2.3, no enclosure, except those erected on an erf zoned as industrial or business in terms of the land use scheme, irrespective of the type of material used, may not exceed a height of 2.1m.
- 1.2 Barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

2 Design and appearance

- 2.1 An enclosure referred to in paragraph 1, which is visible from an adjacent street or public open space shall comply with the following conditions:
 - (a) Any surface which is visible from such street or public open space shall -
 - (a) be skilfully finished;
 - (ii) be of good quality material;
 - (iii) be without defect; and
 - (iv) have an exposed or finished side;
 - (b) if it is a painted surface, be white only or a different colour as approved by the Municipality;
 - (c) if such enclosure is made of precast material, only have a brick pattern and be painted white or a different finish or colour as approved by the Municipality;
 - (d) if wood forms part of such enclosure, be thoroughly treated with a wood-preserving agent.
- 2.2 An enclosure referred to in paragraph 1, which is visible from any adjacent erf, shall comply with the following requirements:
 - (a) Any surface fronting on the adjacent erf shall be -
 - (i) skilfully finished;
 - (ii) of good quality material;
 - (iii) without defect; and
 - (iv) maintenance free;
 - (b) if applicable, the struts, posts and columns of such an enclosure shall show on the owner's side; and
 - (c) if wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.
- 2.3 Notwithstanding the provisions of paragraphs 1 and 2.1 and 2.2 -
 - (a) the Municipality may agree to it that the maximum heights, as contemplated in paragraph 1, be exceeded;
 - (b) the enclosure referred to in paragraph 1 shall, within a distance of 4.5m from any street boundary or public open space boundary be splayed or lowered to a height of 1m, if the Municipality so requires;

(c) no barbed wire or similar wire and safety spikes in any area, excluding an erf zoned as industrial in terms of the land use scheme, may be visible from any street, public open space or adjacent erf;

(d) the enclosure shall be properly maintained to the sole satisfaction of the Municipality;

2.4 The height of any enclosure or wall will be measured from natural ground level.

3 Roofs

3.1 Sheet metal which is used for a roof and which is visible from the street or an adjacent erf shall be properly painted within fifteen months after construction thereof if the Municipality so requires.

3.2 No roof surface may have a luminous finish.

Schedule 2

Limits of Concentration of Certain Substances

1 PV, pH and electrical conductivity of sewage

1.1 Subject to the provisions of section 25(1) of this By-law, the limits of the PV, pH and electrical conductivity of sewage are as follows:

- (a) pH-within the range 6.0-10.0; and
- (b) electrical conductivity not greater than 300µS/cm at 20°C.

1.2 Subject to the provisions of section 25(1) of this By-law, the maximum permissible concentrations of pollution expressed in milligrams per litre (mg/l) are as follows:

- (a) General:
 - (i) PV-not to exceed: 1 400mg/l;
 - (ii) caustic alkalinity [expressed as CaCO₃]: 2 000 mg/l;
 - (iii) substances in suspension [including fat, oil, grease, waxes and like substance]; 2 000mg/l;
 - (iv) substances soluble in petroleum ether. 500mg/l;
 - (v) sulphides, hydro-sulphides and polysulphides [expressed as S]: 50mg/l;
 - (vi) substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works [expressed as HCN]: 20mg/l;
 - (vii) formaldehyde [expressed as HCHO]: 50mg/l;
 - (viii) phenolic compounds: 1.0mg/l;
 - (ix) non-organic solids in suspension: 100mg/l;
 - (x) chemical oxygen demand [COD]: 5 000mg/l;
 - (xi) all sugars and/or starches [expressed as glucose]: 1 500mg/l;
 - (xii) available chlorine [expressed as Cl₂]: 100mg/l;
 - (xiii) sulphates and sulphites [expressed as SO₄]: 1 800mg/l;
 - (xiv) fluorine-containing compounds [expressed as F]: 5mg/l;
 - (xv) anionic surface activators: 500mg/l;
 - (xvi) orthophosphate [expressed as P]: 10mg/l.
- (b) Metals Group 1
 - (i) The total collective concentration of all metals in Group 1 (expressed as indicated below) in any sample of the effluent, shall not exceed 20mg/l, nor shall the concentration of any individual metal in any sample exceed 5mg/l.
 - (ii) Metals in Group 1 are:
 - (aa) Chromium [expressed as Cr];
 - (bb) Copper [expressed as Cu];
 - (cc) Nickel [expressed as Ni];
 - (dd) Zinc [expressed as Zn];
 - (ee) Silver [expressed as Ag];

- (ff) Cobalt [expressed as Co];
 - (gg) Cadmium [expressed as Cd];
 - (hh) Manganese [expressed as Mn].
- (c) Metals Group 2:
 - (i) The total collective concentration of all metals in Group 2 (expressed as indicated below) in any sample of the effluent shall not exceed 50mg/l, nor shall the concentration of any individual metal in any sample exceed 20mg/l.
 - (ii) The metals in Group 2 are:
 - (aa) Lead [expressed as Pb];
 - (bb) Selenium [expressed as Se];
 - (cc) Mercury [expresses as Hg].
- (d) Metals Group 3:
 - (i) The total collective concentration of the metals in Group 3 (expressed as indicated above) in any sample of the effluent shall not exceed 20mg/l.
 - (ii) The metals in Group 3 are:
 - (aa) Arsenic [expressed as As];
 - (bb) Boron [expresses as B].
- (e) Radio-Active Waste or isotopes:

The concentration of radio-active waste or isotopes as may be determined by the Atomic Energy Corporation or any organ of state:

2 Power of Municipality to limit total mass of any substance

Notwithstanding the requirements set out in this Schedule, the Municipality has the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises.

3 Method of testing

The method of testing in order to ascertain the concentration of any substance contemplated in this Schedule shall be the test normally used by the Municipality for this purpose.