

MOGALE CITY LOCAL MUNICIPALITY

WATER SERVICES BY-LAWS

PROPOSED SPOT FINES FOR THE 2010/2011 FINANCIAL

YEAR

VERSION 3

30 APRIL 2010

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Clause 140.4 of the draft Mogale City Water Services By-laws (the By-laws) contains the provision that:

'The Municipality or its authorised agent may issue a spot fine not exceeding the amount determined by the Municipality or its authorised agent from time to time and ratified by resolution of the Council to any person contravening the requirements of any of **Sections** and/or **Clauses 21.2, 22, 31.8, 32.6, 40.1, 43.1, 59, 79, 81.1, 81.2, 83.1, 95.1, 102.4, 107.1, 108, 115 and 122.2.**

The proposed spot fines in respect of the 2010/2011 financial year are set out in the table below.

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
21.2	No person may interfere with, or wilfully or negligently damage, or permit damage to any part of the water supply system or wastewater disposal system belonging to the Municipality or its authorised agent.	R20 000
22	No person may prevent or restrict physical access to the water supply system or wastewater disposal system by any employee of the Municipality or its authorised agent.	R5 000
31.8	No consumer may resell water supplied to him or her by the Municipality or its authorised agent	R20 per kilolitre multiplied by the quantity of water resold in kilolitre

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	except with the written permission of the Municipality or its authorised agent,	
32.6	<p>No person other than an authorised agent of the Municipality may:</p> <p>a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;</p> <p>b) break a seal which the Municipality or its authorised agent has placed on any meter; or</p> <p>c) in any other way interfere with a measuring device and its associated apparatus.</p>	<p>R5 000 in respect of a measuring device through which a single accommodation unit on a premises is supplied or</p> <p>R10 000 in respect of a measuring device through which more than one accommodation unit or any other consumer on a premises is supplied</p> <p>R5 000 in respect of a meter through which a single accommodation unit on a premises is supplied or</p> <p>R10 000 in respect of a meter through which more than one accommodation unit or any other consumer on a premises is supplied</p> <p>R5 000 in respect of a measuring device through which a single accommodation unit on a premises is supplied or</p> <p>R10 000 in respect of a measuring device through which more than one accommodation unit or any other consumer on a premises is supplied</p>
40.1	No person who is not a qualified plumber may be permitted to:	

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	<p>a) do any installation work other than the replacement or repair of an existing pipe or water fitting;</p> <p>b) replace a fixed water heater or its associated protective devices;</p> <p>c) inspect, disinfect or test a water installation, fire installation or storage tank;</p> <p>d) service, repair or replace a back flow preventer; or</p> <p>e) install, maintain or replace a meter provided by an owner in a water installation.</p>	<p>R5 000</p> <p>R10 000</p> <p>R10 000</p> <p>R10 000</p> <p>R10 000</p>
43.1	<p>No person may, without the prior written authority of the Municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the Municipality's or its authorised agent's area of jurisdiction unless it is of a type that is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality or its authorised agent.</p>	<p>R5 000 in respect of a pipe or water fitting through which a single accommodation unit on a premises is supplied or</p> <p>R10 000 in respect of a pipe or water fitting through which more than one accommodation unit or any other consumer on a premises is supplied</p>
59	<p>No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality or its authorised agent, except with the prior written permission of the Municipality or its authorised agent and subject to such conditions as may be imposed by the entity</p>	<p>R30 000</p>

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	granting permission.	
79	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.	R10 000
81.1	<p>No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, trade/industrial effluent or other liquid or substance which:</p> <p>a) in the opinion of the Municipality or its authorised agent may be offensive to or may cause a nuisance to the public;</p> <p>b) is in the form of steam or vapour or has a temperature exceeding 44 (forty four) degrees Celsius at the point where it enters the sewer;</p> <p>c) contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;</p> <p>d) contains any substance having an open flashpoint of less than 93 (ninety three) degrees Celsius or which gives off a poisonous vapour at a temperature below 93 (ninety three) degrees Celsius;</p> <p>e) contains any material of whatsoever nature, including oil, grease, fat or detergents</p>	<p>R50 000</p> <p>R50 000</p> <p>R50 000</p> <p>R50 000</p> <p>R50 000</p>

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	<p>capable of causing an obstruction to the flow in sewers, to drains or interference with the proper operation of a wastewater disposal system or wastewater treatment works;</p> <p>f) shows any visible signs of tar or associated products or distillates, bitumen or asphalt;</p> <p>g) may inhibit the unrestricted conveyance of sewage or wastewater through the wastewater disposal system;</p> <p>h) contains any substance in such concentration that, in the opinion of the Municipality or its authorised agent, is likely to produce an undesirable taste after chlorination or an undesirable odour or colour, or produce excessive foam in the final effluent from any wastewater treatment works;</p> <p>i) exceeds any of the limits or concentrations of substances as listed in Annexure B to the By-laws;</p> <p>j) will or, in the opinion of the Municipality or</p>	<p>R50 000</p> <p>R5 000 in respect of a sewer through which sewage from a single accommodation unit on a premises is drained or R20 000 in respect of a sewer through which sewage from more than one accommodation unit or the sewage and/or effluent from any other consumer on a premises is drained</p> <p>R50 000</p> <p>R50 000</p> <p>R50 000</p>

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	<p>its authorised agent may, otherwise cause damage or harm to the health or safety of any person or damage or harm to the environment;</p> <p>f) Contains any substance of whatsoever nature which in the opinion of the Municipality or its authorised agent:</p> <p>(1) is not amenable to treatment at the wastewater treatment works, or which causes or may cause a breakdown or inhibition of the normal wastewater treatment process; or</p> <p>(2) is of such a nature as is or may be amenable to treatment only to such degree as to result in the final effluent from the wastewater treatment works not complying in all respects with any requirements imposed in terms of the National Water Act, 36 (1998) as amended from time to time; or</p> <p>(3) whether listed in Annexure B of the By-laws or not, either alone or in combination with other matters may -</p> <ul style="list-style-type: none"> • generate or constitute a toxic substance dangerous to the health of persons employed at the wastewater treatment works or entering the Municipality's sewers or manholes in the course of their duties; or • adversely affect the mechanical equipment 	<p>R50 000</p> <p>R30 000</p> <p>R50 000</p> <p>R50 000</p>

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
		effluent from any other consumer on a premises is drained
95.1	No person may discharge sewage or effluent into the wastewater disposal system by road haulage except with the written permission of the Municipality or its authorised agent	R30 000
102.4	No person may, without the written permission of the Municipality or its authorised agent, open or break the seal of a connecting sewer closed and sealed off (on the authorisation of the Municipality or its authorised agent) or cause or permit this to be done.	R50 000
107.1	No person may, without the prior written authority of the Municipality or its authorised agent, install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in a Schedule of Approved Pipes and Fittings as compiled by the Municipality or its authorised agent.	R5 000 in respect of a pipe or fitting through which sewage from a single accommodation unit on a premises is conveyed or R10 000 in respect of a pipe or fitting through which sewage and/or effluent from more than one accommodation unit or any other consumer on a premises is conveyed
108.1	No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the approval of the Municipality or its authorised agent in writing.	R5 000 in respect of a drainage installation through which sewage from a single accommodation unit on a premises is conveyed or R20 000 in respect of a drainage installation through which sewage and/or effluent from more than one accommodation unit or any other consumer on a premises is conveyed
108.2	No drainage work mentioned in Clause 108.1	R2 000

Section or Clause of the By-laws	Summary of the Section or Clause of the By-laws	Maximum spot fine in the event of contravention of the Section or Clause of the By-laws
	damaged or destroyed any such sewer or pipes or any works or things in connection therewith,	
122.2	Any person who obstructs a designated officer from performing his or her duties in terms of the By-laws commits an offence.	R5 000

The spot fine arising from the contravention of a section or a clause of the By-laws is in addition to any costs the Municipality or its authorised agent is entitled to charge the person responsible for the contravention in order for the Municipality or its authorised agent to recover the loss or to remedy or to rectify the consequences arising from the contravention of the section or clause of the By-laws.

When determining the actual spot fine to be paid in respect of Clause 81.1 the Municipality would take into account the method of determining trade/industrial levies as set out in the Mogale City Policy for Tariff Determination for Engineering Services - 2010 where applicable.