



GreenCape



# Western Cape Water Services By-laws Industry Brief



A background image of a water treatment facility with large rectangular tanks and metal grates. Water is flowing through the grates, creating a white, frothy splash in the foreground. The background is slightly blurred, showing more of the facility and some greenery.

## 1 Introduction

The price of water is a critical factor in the economic viability of business resilience and growth, as was experienced by Western Cape businesses during the 2016 - 2018 drought. However, there are many other factors relating to water that can be as vital, if not more significant, to the success of businesses.

These include:

- Capacity and reliability of supply;
- water quality;
- customer service;
- Clarity and certainty of the regulatory environment;and
- Other factors

This brief reviews the water and sanitation by-laws and the associated implications for businesses operating in these municipalities across the Western Cape.

### The purpose of this brief is:

- To provide an overview of the purpose, key clauses and the potential impact of water services by-laws on businesses across the municipalities of the Western Cape
- To evaluate the completeness<sup>1</sup> and clarity of the water by-laws in municipalities of the Western Cape.

## 2 Background and purpose of by-laws

Similar to the legislation passed by national and provincial government, by-laws are the legislative instrument enacted by municipalities to give effect to their policies and are a critical instrument in ensuring the municipalities' sustainability. The National Water Act (No. 36 of 1998) does not supersede, and is subject to any limitation by, any other law, ordinance, or regulation including by-laws, set by the responsible water service authority (municipality) and provincial government. By-laws set out the relationship between the municipality, its service providers, and consumers. Municipalities can use by-laws as a regulatory instrument to monitor their own performance and that of their service providers. Ultimately they should provide clarity in respect to the rights and responsibilities of the municipality, its service providers and consumers.

Where municipalities wish to impose or provide for additional requirements or obligations other than those specified in the by-laws the most effective way to do so is to create enabling provisions in the by-laws that allow the municipality to impose conditions on granting approvals, to issue notices for compliance with the by-laws and to determine matters by way of public notice.

The Water Services Act (No. 108 of 1997) and the Municipal Systems Act (No. 32 of 2000) are the two primary pieces of legislation that require municipalities to have by-laws outlining conditions for the provision of water services. The Water Services Act requires municipalities to make water services by-laws, while the Municipal Systems Act requires municipalities to make tariff by-laws, credit control and debt collection by-laws. Model by-laws were published in 2005 by the then Department of Water Affairs and Forestry (DWAF, now DWS) to provide guidance to and assist municipalities in drafting and promulgating the required water services by-laws, credit control and debt collection by-laws.

<sup>1</sup> Measure of similarity with the Model by-laws





**Table 1** lists the water-related by-laws available online for each of the Western Cape municipalities. Those not listed were not digitally available. Should the by-laws of a particular municipality be required that are not listed here, a digital or hard copy version can be requested directly from the respective municipality. However, the unavailability of by-laws on the municipality's website may be viewed as a barrier to business establishment and/or investment.

Table 1: List of water-related by-laws available online for each Western Cape municipality

MUNICIPALITY DESIGNATED AS A WATER SERVICES AUTHORITY (WSA)	WATER	WASTEWATER/ SANITATION	INDUSTRIAL EFFLUENT	NON-POTABLE SUPPLY	STORMWATER	IRRIGATION	OTHER
Cape Agulhas	✓	✓		✓	X	X	X
Beaufort West	✓	✓		✓	✓	X	X
Bergrivier		✓			✓	X	X
Bitou		✓			✓	X	River (recreation), Water conservation
Breede Valley		✓			✓	X	X
City of Cape Town	✓	✓		✓	✓	X	Coastal management
Cederberg		✓			X	X	Coastal management (recreation only), Drought communication strategy
Drakenstein		✓			X	X	X
George		✓			X	X	Fines for water restrictions
Hessequa		✓	X	X	✓	✓	River management
Kannaland	✓	X	X	X	X	X	Water losses
Knysna		✓			X	X	X
Laingsburg		✓		X	X	X	X
Langeberg	✓	✓		X	X	✓	X
Matzikama	X	X	X	X	X	X	Coastal management
Mossel Bay		✓			X	X	X
Oudtshoorn	X	X	X	X	✓	✓	Catchment protection 1977
Overstrand		✓			✓	X	X
Prince Albert		✓			X	X	X
Saldanha		✓			✓	X	X
Stellenbosch		✓		X	✓	X	X
Swartland		✓			✓	X	X
Swellendam		✓			✓	X	River management (recreation only)
Theewaterskloof		✓			✓	✓	X
Witzenberg		✓					



# 3 Contents of water services by-laws

Water services by-laws list the rules that we can expect municipalities to follow in terms of water service provision, as well as the rules that owners of premises and consumers of water services are expected to follow. These range from technical matters, such as the location of water meters and the method for determining water consumption volumes for billing, to dispute resolution procedures, level of services available, responsibilities of each party, and liabilities for costs. **Table 2** provides a brief summary of the clauses contained in the model water by-law (DWAF, 2005).

Table 2: Summary of the model water by-law (DWAF, 2005)

CHAPTER NUMBER	CHAPTER OR PART TITLE	SUMMARY OF CLAUSES
1	Definitions	Definitions
2	Application, payment and termination	Provides for applications, agreements, special agreements, notification of changes in purpose of use, tariffs and fixed availability charges, liabilities for costs, termination of services by customer or municipality.
3	Service levels	Description of service levels available with fees and responsibilities. The minimum service level nationally has been updated since this model by-law was published. It is a water connection at the edge of a property (DWS, 2017) and a toilet and hand washing facility for each household (DWS, 2016).
4	Conditions for water supply services	
4.1	Connection to water supply services	Conditions for the connection, location and number of connections and meters
4.2	Standards	Prescribed for quality, quantity and pressure, testing, prevention of pollution, water restrictions, emergency interruptions, restrictions, reinstatement, storage, and re-selling.
4.3	Measurement	Provides for meter installation and measurement rules, average consumption estimates, and no reduction in amount payable for wasted water
4.4	Audit	An audit report of consumption and costs may be requested of a customer
4.5	Installation work	Provides for applications, approval, inspection by plumber, isolation valve requirement, SANS applicable, materials and fittings permitted, termination of appliances, and maximum flow rates in showers (10 L/m) and hand basin (6 L/m).
4.6	Communal water supply services	Municipality may install these, but must consult the community it will supply
4.7	Temporary water supply services	Temporary water supply for a hydrant may be granted upon approval of application
4.8	Boreholes	The municipality can enforce an application process for boreholes, conditions on use, request information about boreholes and apply an EIA. No boreholes allowed in dolomite areas.
4.9	Fire services connections	Provides for applications, approval certificates, booster dual vs combined systems, including meters and connections, and responsibilities for fees and tariffs.
5	Condition for sanitation services	
5.1	Connection to sanitation system	Obligatory to connect to sewer where available, unless approval for on-site sanitation services, and rules and tariffs for connection.
5.2	Standards	Refers to section 9 of Act to set standards
5.3	Methods for determining charges	Calculation methods for charging for domestic and industrial effluent and reductions when water is consumed in manufacturing process.
5.4	Drainage installations	All conditions and responsibilities for drains associated with installation, disconnection, maintenance, technical standards, laying positions, blockages, grease traps, and sewage lifting stations on-site.
5.5	On-site sanitation services and associated services	All conditions and responsibilities for on-site sanitation services (non-subsidised) including VIP, septic tanks and treatment plants, french drains and conservancy tank.
5.6	Industrial effluent	Provides for applications, approvals, withdrawal of approvals, quality standards and conditions for discharge.



CHAPTER NUMBER	CHAPTER OR PART TITLE	SUMMARY OF CLAUSES
5.7	Sewage delivered by road haulage	Provides for optional acceptance by municipality, approvals, withdrawal of approvals, and conditions for discharge of sewage at a treatment works.
5.8	Other sanitation services	Provides for the approval of stables and animal shelters, and mechanical food waste macerators to be connected to sewer system.
5.9	Installation work	Provides for approval of installations/renovations, persons permitted to install, authorised fittings, testing, and prohibition of continuous-flow urinals and cisterns larger than 9 L.
6	Water services intermediaries (WSIs)	Registration, obligations, and quality, quantity, sustainability and tariff standards applicable to WSIs.
7	Unauthorised water services	Prohibition of unauthorised access to services, interference or blocking access of infrastructure, waste of water (including leaks), unauthorised or illegal sewage discharge including the limits, and alternative water sources and non-sewered sanitation systems unless authorised and compliant.
8	Notices	Procedure for notifying owners of non-compliance, periods allowed for response and rectification, and costs claimable from owners.
9	Appeals	Procedure for appeals against decision and notices issued by municipality.
10	Offences	Contravening the by-law or a notice is an offence, except non-payment for services.
11	Documentation	Authentication and serving of documents and notices
12	General provisions	Responsibility of compliance with the by-law, provision of information by owner, permission for municipality to enter and inspect premises, indemnification, exemption, and this by-law prevails over other by-laws.
Schedules		A. Application for permit to discharge industrial effluent B. Effluent quality discharge limits



## 4 Key clauses for businesses

By-laws can appear to be intimidating due to their length and the complex language used, however, they can play an important role in the financial viability of a business, in particular water-intensive businesses such as agri-processors, manufacturers, laundries, car washes, etc. Therefore, this section will highlight some of the typical rules found in water services by-laws, and provides recommendations for navigating them, noting those that can have the most significant impact on the success of a business.

- 1. Fees:** take note of the installation fees, deposits, fixed rate access tariff and consumption tariffs applicable to the selected premises or planned building.
- 2. Grease traps and sewage pre-treatment requirements:** an additional installation and operational expense may be incurred where the municipality deems it necessary to install a grease trap or sewage pre-treatment facility.
- 3. Audits:** annual water audits are usually requested of large consumers at the customer's expense.
- 4. Alternative water supply:** in most cases permission is required prior to the use of water from a source other than the municipal supply. If approval is obtained, sanitation charges may still be incurred on the alternative supply, unless it can be proven that water is consumed in a process. It is recommended that this is confirmed with the relevant municipality's by-law.
- 5. Measurement:** to assist with audits and proving water consumption to reduce sanitation charges, it is helpful to install a water meter other than the meter supplied by the municipality. This meter can aid in identifying when the municipal meter is inaccurate to potentially claim rebates. Smart meters can also notify customers of leaks, which can help to save money.
- 6. Industrial effluent:** adhering to a permit to discharge industrial effluent is important due to the significant costs involved if the permit is withdrawn due to contravention. If the discharge limits are exceeded, rather notify the municipality than be issued a warning. Warnings can lead to fines and if the contravention is not remedied, access to a sewer can be withdrawn, resulting in expensive sewage haulage costs.

## 5 Water by-laws by Western Cape municipality

By-laws were not obtainable on the municipalities' websites or via internet search for Hessequa, Matzikama, and Oudtshoorn Municipalities. **Figure 1** summarises the overall completeness of the water services by-laws for each Western Cape municipality in comparison to the model by-law.

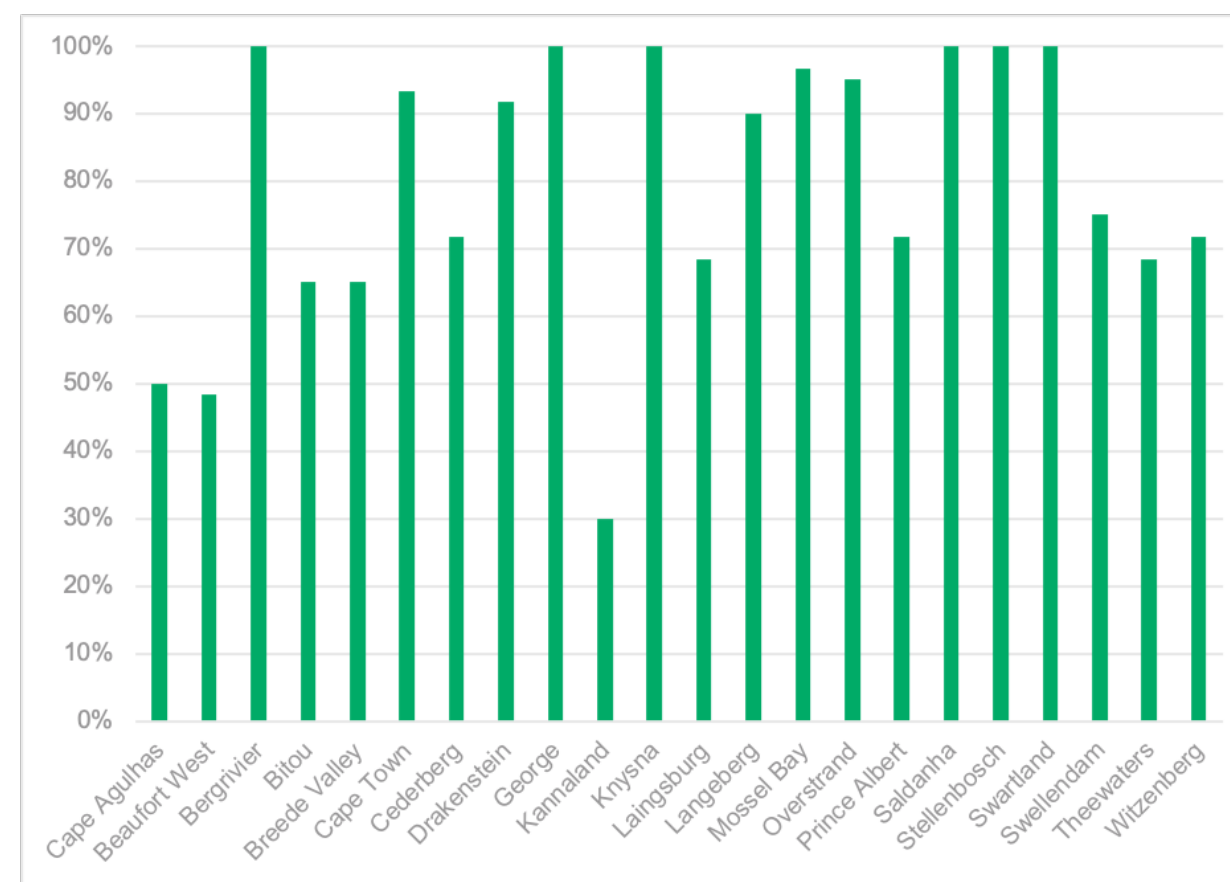


Figure 1: Completeness of water services by-laws of Western Cape municipalities





The water services by-laws of each of the Western Cape municipalities were compared to the model water by-law (DWAF, 2005) to assess their comprehensiveness and highlight any differences and shortcomings. While the omission of a clause from a by-law does not mean that a municipality is not adequately performing the given prescriptions of the clause, in some instances it may increase the risk of doing business in a municipality due to lack of clarity and certainty. **Table 3** assesses the completeness of each Western Cape municipality's water services by-law in comparison to the model by-law (DWAF, 2005). The symbols used in **Table 3** refer to:

Table 3: Completeness of each Western Cape municipality's water services by-law in comparison to the model by-law (DWAF, 2005)<sup>2</sup>

Y

Yes, these clauses are entirely included in the municipality's by-law

N


No, nothing on this topic is included

I

Incomplete, the topic is partially addressed

+

Additional clauses of a significant nature have been included and are described in the following Table 4



Municipality	Chapter																													
	1	2	3	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6	7	8	9	10	11	12	A	B
Cape Agulhas	Y	Y+	N	Y	Y+	Y	Y+	Y	N	Y	Y	Y	Y	N	N	I	N	I	N	N	I	N	Y	I	N	I	N	I+	N	N
Beaufort West	Y	Y	N	Y	Y+	Y	Y+	Y	N	Y	Y	Y	Y	N	N	I	N	I	N	N	I+	N	Y	I	N	Y+	N	I	N	N
Bergrivier	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y
Bitou	Y	Y	N	Y	Y	Y	N	I	N	Y	Y	N	Y	Y	Y	I	I+	Y	Y	N	N	Y	Y+	Y	N	Y	Y	Y	N	N
Breede Valley	Y	Y	N	Y	Y	Y	N	I	N	Y	Y	N	Y	Y	Y	I	I+	Y	Y	N	N	Y	Y+	Y	N	Y	Y	Y	N	N
Cape Town	Y	Y+	Y	Y+	Y+	Y	Y	Y	Y	Y+	Y	Y	Y	Y	I	Y	N	Y	Y	I+	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y
Cederberg	Y	Y	N	Y	Y	Y	N	I	Y	Y	Y	N	Y	Y	Y	I	I+	Y+	Y	N	N	Y	Y+	Y	N	Y	Y	T	N	Y
Drakenstein	Y	Y+	Y+	Y+	Y+	Y	Y+	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y+	Y	Y	I	Y	Y	Y+	Y	Y	Y	Y	Y+	N	N
George	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y
Kannaland	Y	Y	N	Y	Y	I	N	I	N	N	N	N	N	N	N	N	N	N	N	N	N	N	I	Y	Y	Y	N	I+	N	N
Knysna	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y
Laingsburg	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y+	Y	Y	I	I	Y	Y	N	Y+	N	Y+	Y	N	Y	Y	I+	N	Y
Langeberg	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	I	I	Y	Y	N	Y	Y	Y+	Y	Y	Y	Y	Y+	N	Y
Mossel Bay	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Oudtshoorn	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Overstrand	Y	Y+	Y	Y+	Y+	Y+	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y+	Y+	Y	I	Y+	Y	Y+	Y	Y	Y	Y	Y	N	Y
Prince Albert	Y	Y	N	Y	Y	Y	N	I	Y	Y	Y	N	Y	Y	Y	I	I+	Y	Y	N	N	Y	Y+	Y	N	Y	Y	Y	N	Y
Saldanha	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y
Stellenbosch	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y+	Y	Y	Y+	Y+	Y	Y	Y+	Y	Y	Y	Y
Swartland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y+	Y	Y	Y	Y	Y+	Y	Y
Swellendam	Y	Y	N	Y	Y	Y	N	I	Y	Y	Y	N	Y	Y	Y	Y	Y+	Y+	Y	N	N	Y	Y+	Y	N	Y	Y	Y	N	Y
Theewaterskloof	Y	Y	N	Y	Y	Y	N	I	Y	Y	Y	N	Y	Y	Y	I	I+	Y+	Y	N	N	N	Y+	Y	N	Y	Y	Y	N	Y
Witzenberg	Y	Y	N	Y	Y	Y	N	I	Y	Y	Y	N	Y	Y	Y	I	I+	Y	Y	N	N	Y	Y+	Y	N	Y	Y	Y	N	Y

<sup>2</sup> The legend can be viewed above



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## Implications of by-law changes relevant to businesses

This section describes the additional clauses identified in the comparison of the by-laws to the model by-law (**Table 3** above). Additions and changes to by-laws can have implications for businesses. Hence, this discussion of those changes that may be most relevant to businesses, considering the clarity and certainty of the clauses. For example, where additions to relevant clauses were made that reduced the certainty of the responsibilities for municipalities or for businesses, there is the potential of an overall business risk increase. The omission of clauses (refer to **Table 3** above) can also reduce the rights and responsibilities of municipalities and businesses. **Table 4** provides a summary of the by-law changes identified in **Table 3** above that may be relevant to businesses.

Table 4: By-law changes potentially relevant to businesses

MUNICIPALITY (YEAR OF LAST UPDATE)	DIFFERENCES FROM MODEL BY-LAW CLAUSES
Cape Agulhas (2005)	The municipal manager may limit or discontinue the supply of water, if there has been abuse of the supply of water by the consumer. “Abuse” is not defined.
	Additional guarantee that an alternative water supply for basic needs will be provided if interrupted for more than 24 hours.
	Audits are compulsory annually for “any person using more than 3 650 Kl per annum, excluding multiple dwelling units” reduces uncertainty of when an audit may be requested
	Max size of newly installed cisterns is 6L and must be dual flush, reduces uncertainty and saves water
	Application of the by-law to external service providers if the municipality appoint such.
	Additionally, any commercial vehicle washing facility or commercial laundry facility constructed after the adoption of this by-law must be constructed and operated in such a manner that 50% of the water used by such facility is recycled for re-use in the facility.
Beaufort West (2005)	Additional guarantee that an alternative water supply for basic needs will be provided if interrupted for more than 24 hours.
	Max size of newly installed cisterns is 6L and must be dual flush, reduces uncertainty and saves water
Bergrivier (2009)	Additionally the municipality should make an owner aware of any practical restrictions involved in establishing a new pipe or sewer connection and the associated costs of various possible locations.
	Additionally allows municipality to conduct applications, in addition to other authorities, to discharge industrial effluent via sea outfalls and sets the associated conditions.
	Additionally allows municipality to supply non-potable water or purified sewage upon approval of an application, and requires municipal permission to use grey water.
	Includes formula for the calculation of industrial effluent discharge charges added
Bitou (unknown) and Breede Valley (2008)	New bucket sewer systems are prohibited.
	Additionally allows municipality to supply non-potable water upon approval of an application, and requires municipal permission to use grey water.
Cape Town (2018)	A new connection for a vacant erf will be assumed to be applying for a water connection for construction purposes and a temporary connection will be provided, no permanent water installation may be supplied from a connection for construction.
	Before transferring ownership of a property, the seller must submit a certificate of compliance from a registered plumber.
	Special agreements are only considered for applicants from outside of the city.
	Consumers with a prepayment meter can request a specific daily volume limit be set.
	Owner or management of the premises must monitor and record the monthly usage of each individual sub-meter unit, retain detailed records for 24 months, and report any transgression of water restrictions.
	Additionally, guarantees that an alternative water supply for basic needs will be provided if interrupted for more than 24 hours. Additional requirements and standards for disinfection of storage tanks prior to use.
	Boreholes must be registered on City database.

MUNICIPALITY (YEAR OF LAST UPDATE)	DIFFERENCES FROM MODEL BY-LAW CLAUSES
	Includes the reporting of wastage or pollution of water or emergency situation as a public duty.
	Rebates will only be considered for underground leaks, once confirmed repaired.
	Additionally allows municipality to supply non-potable water or treated effluent upon approval of an application, and requires municipal permission to use alternative water sources.
	Additional schedule of permitted usage, signage and fittings for treated effluent installations.
	Additional schedule of good water conservation and demand management practices
Cederberg (2004)	New bucket sewer systems are prohibited.
	Additionally allows municipality to conduct applications, in addition to other authorities, to discharge industrial effluent via sea outfalls and sets the associated conditions.
	Additionally allows municipality to supply non-potable water or purified sewage upon approval of an application, and requires municipal permission to use grey water.
	Additionally, allows municipality to permit applicants from outside the area of jurisdiction to sell water and accept sewage from others outside the jurisdiction.
Drakenstein (2014)	Rules for pre-payment devices additionally included.
	Additionally indicates which contraventions will result in a consumer receiving a pre-payment meter.
	Additional permanent restriction on the hours of irrigation of grassed areas (not allowed between 10:00 and 16:00).
	Compulsory annually for major water users (those using more than 3 650 kL per annum or as determined by municipality), excluding multiple dwelling units.
	Additionally the municipality should make an owner aware of any practical restrictions involved in establishing a new pipe connection or new sewer connection and the associated costs of various possible locations.
	Additionally, includes a maximum allowed capacity for on-site treatment plant applications of 2 ML/d and requires an EIA and DWS approval.
	New bucket sewer systems are prohibited.
George (unknown) and Knysna (2015)	Grey water installations are permitted without application process, but may be subject to municipal inspection and limitations if negative impact on health suspected.
	Additionally allows municipality to supply non-potable water or purified sewage upon approval of an application.
	Water leakage discounts can be applied for on water and sanitation tariffs if the leak is shown to be fixed.
	Additionally, the municipality may require that any commercial vehicle washing facility must be constructed and operated in such a manner that 50% of the water used by such facility is recycled for re-use in the facility.
	Allows for alternative VIP technologies designed by a professional engineer and approved by the municipality.
	Additionally, allows municipality to supply non-potable water or purified sewage upon approval of an application, and requires municipal permission to use grey water.
	Additional schedule of formula for the calculation of industrial effluent discharge charges
	Additional schedule of template of permit issued to allow the discharge of trade or industrial effluent into the sewerage





MUNICIPALITY (YEAR OF LAST UPDATE)	DIFFERENCES FROM MODEL BY-LAW CLAUSES
Kannaland (water 2003)	Plumbers and contractors to be registered to conduct work on water supply systems.
Laingsburg (2006)	Additionally the municipality should make an owner aware of any practical restrictions involved in establishing a new sewer connection and the associated costs of various possible locations.
	Max cistern size is 6L.
	Water leakage discounts can be applied for on sanitation tariffs if the leak is shown to be fixed and during the leak the water did not enter the sewer system.
	Additionally, any commercial vehicle washing facility or commercial laundry facility constructed after the adoption of this by-law must be constructed and operated in such a manner that 50% of the water used by such facility is recycled for re-use in the facility.
Langeberg (water 2010; sanitation 2008)	Special agreements are only considered for applicants from outside of the municipality.
	Additionally, guarantees that an alternative water supply for basic needs will be provided if interrupted for more than 24 hours.
	Additional requirements and standards for disinfection of storage tanks prior to use.
	Additional permanent restriction on the hours of irrigation of grassed areas with potable water (not allowed between 10:00 and 16:00).
	Additionally the municipality should make an owner aware of any practical restrictions involved in establishing a new sewer connection and the associated costs of various possible locations.
	Includes the reporting of wastage or pollution of water or emergency situation as a public duty.
	Rebates are not considered for visible leaks.
Mossel Bay (2016)	Includes schedule of good water conservation and demand management practices
	Raw water shall only be supplied where potable water is not available.
	Domestic effluent is not measured, a basic tariff applies.

MUNICIPALITY (YEAR OF LAST UPDATE)	DIFFERENCES FROM MODEL BY-LAW CLAUSES
Overstrand (2022 Final Draft awaiting promulgation; 2009)	Additionally allows municipality to permit applicants from outside the area of jurisdiction to sell water and accept sewage from others outside the jurisdiction.
	The clause also allows the municipality to enforce WC/WDM principles prior to the commencement of new developments.
	Additionally guarantees that an alternative water supply for basic needs will be provided if interrupted for more than 48 hours, in accordance with the DWS 2017 N&S.
	Additional permanent restriction on the hours of irrigation of grassed areas (not allowed between 09:00 and 17:00).
	Meters can be tested for free upon written request to the municipality, but a fee is due if found that the meter is not defective.
	Additionally, the municipality should make an owner aware of any practical restrictions involved in establishing a new pipe connection or a new sewer connection and the associated costs of various possible locations.
	New bucket sewer systems and septic tanks are prohibited. On-site treatment plants can apply for approval. VIPs and french drains may only be approved in exceptional circumstances where other options are not possible.
	Municipality must approve any changes in a manufacturing process prior to commencement, where effluent will be affected in nature, composition or quantity.
	Refers to latest process of obtaining a Coastal Waters Discharge Permit from the relevant authority for discharging to sea outfall.
	Max new cistern size is 6L. Automatic urinals permitted, if they only flush after use.
	A long list of additional specifications for water conservation for showers, hand basins, fittings, standpipes, etc.
	Additionally, allows municipality to supply non-potable water or treated effluent upon approval of an application.
	Requires municipal permission to use an alternative source, except rainwater that is not connected to the water installation.
Prince Albert (Unknown)	Water leakage discounts can be applied for on sanitation tariffs if the leak is shown to be fixed and during the leak the water did not enter the sewer system.
	Additionally, any commercial vehicle washing facility constructed after the adoption of this by-law must be constructed and operated in such a manner that a percentage determined by the municipality of the water used by such facility is recycled for re-use in the facility.
	Previous approvals/authorisations may be amended to comply with updated by-law.
Saldanha (Unknown) and Swartland (2014)	New bucket sewer systems are prohibited.
	Additionally the municipality should make an owner aware of any practical restrictions involved in establishing a new pipe or sewer connection and the associated costs of various possible locations.
	Additionally allows municipality to supply non-potable water or purified sewage upon approval of an application, and requires municipal permission to use grey water.
Stellenbosch (2018)	Water leakage discounts/rebates can be applied for, if the leak is shown to be fixed.
	Additionally allows municipality to supply purified sewage or non-potable water upon approval of an application, and requires municipal permission to use grey water.
	Includes schedule of template of permit issued to allow the discharge of trade or industrial effluent into the sewerage system.
	Additional requirements and standards for disinfection of storage tanks prior to use.
	RMust have a maintenance contract for on-site sanitation system, unless waived by municipality
	Contractors transporting wastewater to a WWTW must be registered with the municipality and have their vehicles fitted with an approved tracker system.



MUNICIPALITY (YEAR OF LAST UPDATE)	DIFFERENCES FROM MODEL BY-LAW CLAUSES
	<p>In cases where the municipality is required to intervene and carry out any services, the municipality can recover the costs from the WSI.</p> <p>Water leakage discounts/rebates can be applied for in accordance with rebate tariff, if the leak is shown to be fixed.</p> <p>More specific list of offenses, especially with regard to planting trees or vegetation that could damage services systems.</p> <p>Includes schedule of formula for the calculation of industrial effluent discharge charges</p>
<b>Swellendam (2015)</b>	<p>New bucket sewer systems are prohibited.</p> <p>Municipality must approve any changes in a manufacturing process prior to commencement, where effluent will be affected in nature, composition or quantity.</p> <p>Water leakage discounts/rebates can be applied for, if the leak is shown to be fixed.</p> <p>Additionally allows municipality to supply non-potable water upon approval of an application, and requires municipal permission to use grey water.</p> <p>Includes schedule of formula for the calculation of industrial effluent discharge charges</p>
<b>Theewaters (2005)</b>	<p>New bucket sewer systems are prohibited.</p> <p>Municipality must approve any changes in a manufacturing process prior to commencement, where effluent will be affected in nature, composition or quantity.</p> <p>Water leakage discounts/rebates can be applied for, if the leak is shown to be fixed.</p> <p>Additionally allows municipality to supply non-potable water upon approval of an application, and requires municipal permission to use grey water.</p>
<b>Witzenberg (2004)</b>	<p>New bucket sewer systems are prohibited.</p> <p>Municipality must approve any changes in a manufacturing process prior to commencement, where effluent will be affected in nature, composition or quantity.</p> <p>Additionally allows municipality to supply non-potable water upon approval of an application, and requires municipal permission to use grey water.</p>

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Conclusion and recommendations

While most municipalities in the Western Cape have standard water services by-laws similar to the model by-law, some municipalities have many more significant differences than others. This broad range can largely be attributed to outdated by-laws, including the model by-law, in comparison to recently updated by-laws. Those municipalities which have updated their by-laws within the last 10 to 15 years show fewer signs of uncertainty as their by-laws are being updated with the evolving needs of their communities. Those municipalities that have exemplary by-laws have noticeably incorporated the lessons that they have learned, from past experiences and engagements with their communities about their needs, into their by-law revisions. Some key topics that have been addressed in updated water services by-laws include:

- Conditions for accessing an alternative water source supply and the associated responsibilities and liabilities.
- Opportunities to apply for rebates and discounts for fixing water leaks.
- Incorporating water conservation and demand management principles and requirements into new developments.
- Clarification of rights and responsibilities of the municipality, owners and consumers.

There will always be new lessons to learn from and incorporate in revisions of by-laws to ensure the continual accountability of and opportunities for all parties. For example, many important lessons were learned during the 2016 to 2018 drought, which will need to be incorporated into the next revisions of water services by-laws. Cederberg municipality has already taken action in this regard by publishing a drought communication strategy that sets the guidelines for when water restrictions at each level may be implanted and how they must be communicated by the municipality. This allows businesses to be able to plan for the future with certainty of the actions the municipality may take in each level of water restrictions and when those restrictions change levels.

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Next Steps

For further information and support on any of the content provided here, please contact GreenCape's water sector desk at [water@green-cape.co.za](mailto:water@green-cape.co.za)





## Glossary

<b>DFFE</b>	Department of Forestry, Fisheries and the Environment
<b>DWS</b>	Department of Water and Sanitation
<b>DWAF</b>	Department of Water Affairs and Forestry (now DWS)
<b>N&amp;S</b>	Norms and standards
<b>WC/WDM</b>	Water conservation and water demand management
<b>WSI</b>	Water services intermediary
<b>WWTW</b>	Wastewater treatment works

## References

1. Department of Water Affairs and Forestry, 2005. Model Water Services By-laws. Available from: <http://ws.dwa.gov.za/wspd/UserControls/DownloadImportFiles.aspx?FileID=58>
2. Department of Water and Sanitation, 2017. National norms and standards for domestic water and sanitation services. Available from: [cer.org.za/wp-content/uploads/1997/12/National-norms-and-standards-for-domestic-water-and-sanitation-services.pdf](http://cer.org.za/wp-content/uploads/1997/12/National-norms-and-standards-for-domestic-water-and-sanitation-services.pdf)
3. Department of Water and Sanitation, 2016. National Sanitation Policy. Available from: [www.gov.za/sites/default/files/gcis\\_document/201706/national-sanitation-policy.pdf](http://www.gov.za/sites/default/files/gcis_document/201706/national-sanitation-policy.pdf)