

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

SOUTH EAST DISTRICT COUNCIL (PUBLIC SEWER) BYE-LAWS, 2002
(Published on 16th July, 2002)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Duty of Council to keep map showing sewers
4. Power of Council to alter or close public sewer
5. Power of Council to agree to adopt sewer or sewage disposal works
6. Certain matter not to be passed into sewer
7. Storm water not to enter public sewer
8. Sewage not to enter storm water drains
9. Right to connect to public sewer
10. Council to require connection to public sewer in certain circumstances
11. Procedure in respect of connection to public sewer
12. Common sewer or drain
13. Fees
14. Maintenance
15. Disconnection and re-connection
16. Legal action
17. Discharge of trade effluent into public sewers
18. Control of trade effluent
19. Metering and assessment of trade effluent
20. Installation of fat, oil and grease interceptors
21. Penalties where not prescribed

SCHEDULES

IN EXERCISE of the powers conferred by section 29 as read with section 30 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the South East District Council hereby makes the following Bye-laws —

Citation 1. These Bye-laws may be cited as the South East District Council (Public Sewer) Bye-laws, 2002.

Interpretation 2. (1) In these Bye-laws, unless the context otherwise requires —
“authorised officer” means a person authorized by the council to inspect public sewers or pipes or drains connected therewith;
“Council” means the South East District Council established under the Act;
“drainage installation” means a system of drains, pipes and sewers used for the sewerage of a building, including any fitting, appliance or equipment connected thereto;
“foul water” means water contaminated by soil water, waste water or trade effluent;

“latrine” includes a privy, a urinal, an earth-closet or a water-closet;
 “owner” in relation to immovable property, means the person or his agent receiving the rent or profits for any land or premises from the occupier thereof or a person who occupies or holds land in accordance with the terms of an agreement;
 “public sewer” means any piped sewer, ditch or watercourse for the passage of foul water constructed or maintained by or vested in the Council;
 “sewer” or “drain” means a pipe conveying foul water forming part of the sewerage or drainage installation of a building, including any pipe connecting a drain to a public sewer;
 “soil water” means water containing excreted matter, whether human or animal;
 “storm water” includes surface water or rain water;
 “trade effluent” means liquid, either with or without particles of matter in suspension, which is wholly or in part produced in the course of trade, industry or research; and
 “waste water” means used water, not being soil water, trade effluent or storm water.

(2) For the purposes of these Bye-laws, a building shall not be deemed to have a —

- (a) public sewer available except where there exists or there is, in the course of construction within 30 metres of the site of a building, a public sewer or a sewer connecting thereto at a suitable invert level which the owner of the building is entitled to use; and
- (b) sufficient supply of water except where such is laid on or where a supply can be connected from a point within 30 metres of the site of the building:

Provided that, where the distance of a public sewer or the point from which a supply of water is available exceeds 30 metres and the Council agrees to undertake the construction at its expense of a drain to connect to a public sewer or the laying of a pipe to the point of connexion to a supply of water, the 30 metres limit shall not apply.

3. The Council shall keep deposited at its office for inspection by any person during normal working hours, a map showing and distinguishing each public sewer and any sewer in the course of construction within its area.

Duty of Council to keep map showing sewers

4. The Council may alter the size or course of any public sewer or discontinue and prohibit the use thereof:

Provided that the Council shall, at its expense, execute any work necessary to connect to another sewer the drainage installations of the users of the sewer under alteration or discontinued.

Power of Council to alter or close public sewer

Power of Council to agree to adopt sewer or sewage disposal works

Certain matter not to be passed into sewer

Storm water not to enter public sewer

Sewerage not to enter storm water drain

Right to connect to a public sewer

Council to require connection to public sewer in certain circumstances

5. The Council may enter into an agreement with any person constructing or proposing to construct a sewer or sewerage disposal works to the effect that upon completion of the work to the satisfaction of the Council or on a specified date the sewer or works shall be vested in and thereafter maintained by the Council.

6. (1) No person shall throw or empty or permit to be thrown or emptied into a public sewer or into any drainage installation or sewer connecting to a public sewer any —

- (a) matter which is likely to cause damage to the fabric of the sewer or interfere with the free flow of its contents;
- (b) chemical refuse or waste stream, or liquid which, alone or in combination with the contents of the sewer, is dangerous or would cause a nuisance or be prejudicial to health;
- (c) petroleum product or carbide or calcium; or
- (d) radio active substance.

(2) Any person who contravenes any provision of this bye-law shall be guilty of an offence and liable on conviction to a fine not exceeding P200 and a further fine not exceeding P50 per day for each day on which the offence continues.

7. No person shall discharge or cause or permit the discharge, directly or indirectly, of storm water into a public sewer.

8. No person shall discharge or cause or permit the discharge, directly or indirectly, of any sewage or foul water into a storm water drain, a river, a stream or other watercourse, whether natural or artificial.

9. (1) Subject to the provisions of bye-law 11, an owner shall, at his expense, be entitled to have the drainage installation of his premises connected to a public sewer.

(2) Notwithstanding the provisions of sub-bye-law (1), no person shall —

- (a) discharge, directly or indirectly, into a public sewer, any liquid or other matter —
 - (i) from a factory or trade premises or a manufacturing process except with the written permission of the Council under bye-law 17, or
 - (ii) the discharge of which is prohibited under these Bye-laws or any enactment; or
- (b) connect a drainage installation to a public sewer —
 - (i) unless he satisfies the Council that the premises concerned have a sufficient supply of water, or
 - (ii) where the sewer is situated at a distance of more than 30 metres from the boundary of the premises.

10. Where a public sewer and a sufficient supply of water is available and the Council is of the opinion that —

- (a) satisfactory provision has not been made for the hygienic and adequate disposal of foul water; or
- (b) any cesspool, septic tank, latrine or appliance or equipment provided for the collection or disposal of foul water is defective or insufficient so as to be prejudicial to health or a nuisance,

the Council may, within a specified time and at the owner's expense, require the owner to remove any latrine or other non-waterborne system and replace the same with a water closet connected to the Council's sewerage system.

11. (1) A person who requires the drainage installation on his premises to be connected to a public sewer shall apply in writing to the Council.

Procedure in
respect of
connection to
public sewer

(2) Where the Council receives an application under sub-bye-law (1) it shall, within 21 days of the receipt thereof, advise the applicant in writing whether or not the application has been granted.

(3) A rejection of an application under sub-bye-law (1) shall be given in writing to the applicant and shall state the reason therefor.

(4) Where an application is granted, the Council shall advise the applicant whether or not it intends to carry out, on behalf of the applicant, the work required.

(5) Where a Council intends to carry out work under sub-bye-law (4) it shall, before work commences, require the applicant to pay it the cost thereof estimated by it.

(6) Where the applicant carries out or causes to be carried out the work required, he shall give to the Council reasonable notice thereof in writing and shall accord to an authorised officer reasonable access to inspect the work.

(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this bye-law shall vest in the Council, and the maintenance, repair or renewal thereof shall, at the expense of the owner of the premises served thereby, be carried out by the Council.

(8) Any person who causes a drain, a pipe or a sewer to be connected to a public sewer in contravention of the provisions of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding P200, and, whether proceedings have or have not been taken in respect of that offence, the Council may close the connection in question and recover from the offender any costs incurred thereby.

(9) Where a payment made under sub-bye-law (5)—

(a) exceeds the cost incurred, the Council shall repay the excess to the applicant; or

(b) is insufficient, the balance shall be recoverable from the person for whom the work was done.

12. The Council may, in its discretion and with the agreement of the owners concerned, permit the drainage installation of two or more buildings to connect with a public sewer by means of a common sewer or drain.

Common
sewer or drain

13. (1) The owner shall pay a sewerage connection fee at the rates set out in the First Schedule and shall enter into a sewerage service agreement with the Council after connection of the premises to the sewerage system.

Fees

(2) The owner shall pay an annual sewerage service fee at the rates set out in the Second Schedule.

(3) The due date for the payment of any fees shall be 30 calendar days from the date reflected on any statement sent by the Council.

(4) If the due date under sub-bye-law (3) lapses, a period of 90 calendar days shall be allowed for the payment of any fees without interest, thereafter all arrears shall be subject to an interest rate of 12% per annum.

(5) The interest accrued on any arrears shall be calculated from the date on which any fee becomes overdue until the date of payment of the fee.

(6) In the case of change of ownership of the premises or of the postal address of any owner, the person who appears, from Council records, to be the owner of the premises shall continue to be liable to pay the fees under these Bye-laws unless he notifies the Council, in writing, of such change.

(7) The fees set out under these Bye-laws may be renewed at any time, at the discretion of the Council.

Maintenance

14. (1) The Council shall be responsible for the operation and maintenance of any sewer mains within the streets and public easements.

(2) The owner shall be responsible for the maintenance of the sewer line from the final inspection chamber within his property to any house on the property.

(3) Any maintenance or work carried out under sub-by-law (2) shall be at the expense of the owner.

(4) In the event that any blockage exists between a Council manhole and an inspection chamber, the Council shall be responsible for clearing the blockage at no expense to the owner.

(5) Any work carried out on the Council sewer system shall take place with the approval of the Council.

**Disconnection
and
re-connection**

15. (1) The sewer line of the owner shall be disconnected and legal action shall commence against such owner if the period of 90 calendar days referred to in bye-law 13(4) has lapsed without the owner having paid the fees due under bye-law 13(1) and (2).

(2) A re-connection fee of P50 in respect of residential property and P100 in respect of commercial or industrial property shall be payable by the owner of the premises upon his request for the re-connection of his sewer line.

(3) No sewer line shall be re-connected unless all amounts due to the Council have been paid in full, including any re-connection fees.

Legal action

16. Where legal action has been taken against the owner to recover any outstanding amounts due to the Council a court of competent jurisdiction shall accept the presentation of documents reproduced by electronic or other means, in lieu of the original documents.

**Discharge of
trade effluent
into public
sewers**

17. (1) The Council may, subject to the written approval of the Minister and to any condition he may think fit to impose, grant permission in writing for the discharge into a public sewer of trade effluent from any premises or for any alteration in the rate, volume, quality or nature of any such discharge.

(2) An approval under sub-by-law (1) may incur a charge for the reception and treatment of the trade effluent and for any alteration which may be necessary to a pump, sewer, sewage disposal works or machinery connected therewith.

(3) A person wishing to discharge trade effluent into a public sewer shall make an application, in writing, to the Council for permission to do so, shall complete a commercial and industrial trade effluent questionnaire and shall submit to the Council—

- (a) the chemical composition, nature and volume of the effluent;
- (b) a description of the industrial process or trade giving rise to the effluent;
- (c) the number of persons employed on the premises; and
- (d) such other information, including the submission of samples, which the Council may consider necessary.

(4) A person permitted in terms of sub-by-law (1) to discharge trade effluent into a public sewer shall, prior to any change in the nature or volume of that effluent, notify the Council in writing of the date on which it is proposed the change will take place and the Council may impose any additional condition it may deem necessary.

(5) Any person who discharges or causes or permits the discharge, directly or indirectly, of trade effluent into a public sewer without the prior written permission of the Council shall be guilty of an offence and liable on conviction to a fine not exceeding P200 and to such charge as the Council may, with the approval in writing of the Minister, assess for the conveyance and treatment of the effluent so discharged.

(6) Without prejudice to its rights in terms of sub-bye-law (5), the Council may recover from any person who discharges, directly or indirectly, trade effluent into a public sewer any costs which may be incurred by it as a result of any damage caused thereby to a public sewer or sewage treatment works.

18. Notwithstanding any other provision of these Bye-laws the Council may, by notice in writing to the owner of any premises from which trade effluent is discharged, require him to execute, at his expense, any of the following —

Control of
trade effluent

- (a) before it is discharged into a public sewer, subject the effluent to such treatment as will in the opinion of the Council prevent a contravention of bye-law 6(1);
- (b) restrict the discharge of effluent to specified hours and the rate thereof to a specified maximum and install a tank, appliance or other equipment necessary to comply therewith;
- (c) in a drainage installation conveying trade effluent to a public sewer, construct one or more inspection, sampling or metering chambers of a material and dimension and in such a position as the Council may determine; or
- (d) provide and maintain a metre which measures the total volume of water drawn from a borehole, a spring or other natural source which is used on the premises.

19. (1) The Council may incorporate in a drainage installation conveying trade effluent to a public sewer, in such a position as it shall determine, a metre or gauge or other device for the purposes of ascertaining the volume or composition of the effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or damage any such metre, gauge or other device:

Metering and
assessment of
trade effluent

Provided that the Council may, with the written approval of the Minister, enter into an agreement with any person from whose premises trade effluent is discharged into public sewer to establish an alternative method of assessing the volume of effluent so discharged.

(2) The Council may, in terms of sub-bye-law (1), install and maintain, at the expense of the owner, a metre, gauge or other device.

20. (1) The Council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, hair salon, bakery, food-processing company, laundry or other premises from which waste-water of a fatty, oily, greasy or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice, to instal, to the satisfaction of the Council, a proper and efficient fat, oil and grease interceptor for the reception thereof prior to the waste water being discharged into the sewer or drain.

Installation of
fat, oil and
grease
interceptors

(2) A fat, oil and grease interceptor shall be equipped with a sampling port for periodical inspection purposes by an authorized official from the Council.

21. Any person found guilty of an offence against any provision of these Bye-laws shall, where no penalty is prescribed therefor, be liable to a fine not exceeding P200 and a further fine not exceeding P50 per day for each day on which the offence continues.

Penalties where
not prescribed

FIRST SCHEDULE
(bye-law 13(1))

SEWERAGE CONNECTION FEES

<i>TYPE OF SERVICE</i>	<i>CHARGES (P)</i>	<i>REMARKS</i>
Connection to residential premises:		
Low cost	100	Perusal fee
Medium cost	150	Plot owner bears the
High cost	200	full cost of all works
Multi-unit developments (more than one town-house or flat on a plot)	300	
Connection to commercial premises	300	Perusal fee Plot owner bears the full cost of all works
Connection to industrial premises (all types)	500	Perusal fee Plot owner bears the full cost of all works
Clearing or removal of blockage within plots	55	Flat rate
Vacuum tank (registration)	200	April to March of subsequent year
Vacuum tank (sewage dumping)	5 per cubic metre	Coupons of different denominations according to vacuum tank capacity available from Council revenue office

SECOND SCHEDULE
(bye-law 13(2))

ANNUAL SEWERAGE SERVICE FEE RATES

TABLE 1: VOLUME UNIT RATES

TYPE OF PREMISES	CHARGES (PULA PER CUBIC METRE)	REMARKS
Residential	0.62 per cubic metre	Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.05 per month
Commercial (a): Laundries, hair salons, bakeries, restaurants and garages	2.50 per cubic metre	Annual fee will be calculated based on volume and quality of waste water discharged, plus a basic fee of P2.50 per month
Commercial (b): Hotels and motels	2.00 per cubic metre	Annual fee will be calculated based on volume and quality of waste water discharged, plus a basic fee of P5.00 per month
Commercial (c): Small general dealers, bars and bottle-stores	0.85 per cubic metre	Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.50 per month
Institutional (a): Schools with hostel facilities and hospitals	1.20 per cubic metre	Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P2.50 per month
Institutional (b): Offices, clinics, day-schools and churches	0.85 per cubic metre	Annual fee will be calculated based on volume of waste water discharged, plus a basic fee of P1.50 per month
Institutional (c): Abattoirs, meat-processing industries and textile manufacturers	3.50 per cubic metre	Annual fee will be calculated based on volume and quality of trade effluent discharged, plus a basic fee of P10.00 per month. In addition, they will be required to enter into a trade effluent agreement with the Council and install a pre-treatment facility on their premises, where applicable.

Industrial (a):

Dry manufacturing

2.00 per cubic metre

Annual fee will be calculated based on volume of effluent discharged, plus a basic fee of P10.00 per month.

TABLE 2: VOLUME UNIT RATES - MONTHLY RESIDENTIAL USER CHARGES
**WASTE WATER QUANTITY
(PER CUBIC METRE)**
CHARGES

	Usage (Pula/per cubic metre)	Basic fee (Pula)
0-10	0.62	1.05
11-20	0.85	
21-30	1.11	
31-50	1.26	2.00
51-100	1.44	
101-200	1.67	
201-500	1.93	5.00
501-1000	2.07	
>1000	2.19	

TABLE 3: VOLUME UNIT RATES - COMMERCIAL (C) AND INSTITUTIONAL (B)
**WASTE WATER QUANTITY
(PER CUBIC METRE)**
CHARGES

	Usage (Pula per cubic metre)	Basic fee (Pula)
0-10	0.85	5.00 per month
11-20	1.11	
21-30	1.26	
31-50	1.44	
51-100	1.67	
101-200	1.93	
>200	2.07	

TABLE 4: VOLUME UNIT RATES - INDUSTRIES AND COMMERCIAL (A)

WASTE WATER CONCENTRATION (F)	CHARGES	
	Usage (Pula per cubic metre)	Basic fee (Pula)
Less than 500	0.50	10.00 per month
500-1000	0.81	
1001-1500	1.41	
1501-2000	1.93	
2001-2500	2.44	
2501-3000	3.04	
3001-3500	3.70	
3501-4000	4.30	
4001-4500	4.96	
4501-5000	5.56	
>5000	6.22	

$$F = B + 1.5S + 1.3N$$

In the formula:

F	=	Waste water concentration (per cubic metre)
B	=	Biological oxygen demand in excess of 500mg/l
S	=	Suspended solids in excess of 400mg/l
N	=	Fats, oil and grease in excess of 100mg/l

*Note: The above rates may be subject to an annual increment at the prevailing inflation rate.

MADE this 4th day of July, 2002.

K.S. MORAKANYANE,
Council Secretary,
South East District Council

APPROVED this 23rd day of July, 2002.

M. NASHA,
Minister of Local Government.