

CITY OF BULAWAYO (WATER AND SEWERAGE DRAINAGE) BY-LAWS, 2023

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Title

1. These by-laws may be cited as the City of Bulawayo(Water, Drainage and Sewerage) By-laws, 2023.

Interpretation

2. In these by-laws—

“account” means any account rendered for municipal services provided;

“actual consumption” means the measured consumption of any customer;

“applicable charge” means the rate, charge, tariff, flat rate determined by the Council;

“approved” means approved by the council or by any employee of the council to whom its powers of approval have been delegated in terms of section 93 of the Act;

“borehole” means any, drill-hole or shaft, or any other hole sunk into the ground for the purpose of locating, abstracting or using subterranean water, and includes a spring;

“connection pipe” means a pipe the ownership of which is vested in Council and installed by council for the purpose of conveying water leading from a main to the premises of any consumer as far as the street boundary of such premises which is situated nearest to such main, or, in the case where the meter is installed inside the premises of any consumer, as far as the inlet of the meter;

”consumer” means the occupier of any premises which the council has agreed to supply with water, or the owner of such premises, or any other person who has entered into a contract with the council for the supply of water or who is lawfully obtaining water from the council;

“council” means City of Bulawayo

“domestic purposes” includes every kind of household purpose, but does not include the use of water for any engine or machine, or for any mining or quarrying operations or for the flushing of any sewer or drain or for any purpose connected with any trade, manufacturing or business, or

for the cleansing of any road, or for garden purposes, or for watering of any tennis –court or bowling-green, or any other ground used for sporting purposes;

“main” means any pipe, aqueduct or other work under the exclusive control of the council, and used by it for the purpose of conveying water to consumers, but does not include a connection pipe;

”maintenance” includes repair and renewal;

“medical officer of health”

“municipal service” means, for the purposes of these by-laws, a service provided by the City of Bulawayo and includes a refuse removal serviced, a water supply service or a sanitation service;

“occupier” includes any person in actual occupation of premises, without regard to the title under which he or she occupies and, in the case of premises subdivided and let to lodgers or various tenants, includes the person receiving the rent payable by the lodgers or tenants, whether on his or her own account or as agent for any person entitled thereto or interested therein;

”owner” means—

(a) the person in whom from time to time is vested the legal title to premises; or any person receiving the rent or profit of any premises from any tenant or occupier thereof, or who would receive such rent or profit if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein; or

(b) where the person in whom the legal title to the premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

“potable meter unit” means a potable water meter together with stand pipe hydrant-coupling and necessary unions for connection to such meter;

“premises” means land or any improvements or part thereof on any land;

“prescribed”, in relation to any tariff, deposit or charge in respect of a service provided-

(a) to or in connection with residential accommodation in an area referred to paragraph (b) 2, means fixed by-laws made by the council for such area; or

(b) in any other case means fixed by resolution of the council in terms of section 172 of the Act;

“service”, for the purpose of Parts I, II and III, means all pipes, fittings and apparatus used or intended to be used for or in connection with the supply of water by the council and situated on the premises occupied or owned by the consumer, but does not include the communication-pipe or the meter or any portion thereof;

“sewage” means waste, soil water or other liquid waste, including trade effluent, but excluding storm water-surface, sub-soil water or spring water;

“sewer” means a pipe used for conveying sewage, and includes all other things necessary in connection therewith;

“sewer connection” means that portion of a pipe which is provided to connect a private sewer or combined private sewer with a public sewer and the ownership of which is vested in the council;

“stand” means a piece of land the boundaries of which are indicated on a registered diagram or plan, and which has been numbered or indicated as a plot, lot or stand, farm or portion of a farm, reserve or open space, in the office of the registrar of deeds, or the mining commissioner, including a subdivision thereof, which has been duly registered or which has been sanctioned by the council or the Government, and a consolidation of two or more pieces of land intended to be used as a plot, lot or stand, farm or portion of a farm, reserve or open space;

“trade effluent “ means any liquid , with or without particles of matter suspended therein, which is wholly or partly produced by, or results from, or has been or was intended to be used, in any trading, business, commercial, manufacturing or industrial process, and includes domestic sewage where mixed with trade effluent.

PART II

SUPPLY OF WATER

Application for water supply services

3. (1) No person is entitled to access water supply services from council unless—

- (a) an application has been made to council in the form prescribed in the Schedule; and
- (b) the application has been approved by the council.

(2) Water supply services rendered to a customer by the council are subject to these by-laws and the conditions in the relevant agreement as set out in the Schedule.

(3) Every consumer shall pay in advance to the council a deposit in terms of the council budget for the supply of water, which deposit shall be refunded to the consumer at the termination of the contract, less any amount for which the consumer is indebted to the council in terms of these by-laws.

Provision of connection pipe

4. (1) Upon an agreement having been entered into between the council and consumer in regard to the supply of water to premises, and after payment of the prescribed charges and deposits, the council shall provide and install a connection-pipe to such premises on a line to be determined by the council, and the council shall, at its own cost and expense, thereafter maintain such connection-pipe.

(2) The council may, on giving no less than one month’s notice to the owner, alter the position of the connection-pipe and carry out such alterations to the consumer’s service-pipe as may be necessary to connect to the new connection-pipe.

(3) For the purpose of supplying water thereto, a separate connection-pipe shall be provided in respect of each and every premise in single ownership or any portion thereof in separate occupation:

Provided that one connection-pipe shall be permitted by the council for the supply of water to a group or block of dwellings, flats, offices or other buildings in single ownership where the owner or occupier thereof undertakes to pay for the water supplied to each of the buildings or units comprising such group or block.

(4) Where, in terms of subsection (3), more than one building, dwelling, flat or suite of offices is supplied from one connection-pipe, the owner of the premises concerned shall fix a stop-tap on each branch pipe leading there from to each such building, dwelling, flat, shop or suite of offices for the purpose of turning off the supply to each of such premises without interrupting supply to others.

Payment for water supply services

5. In respect of water services provided for any premises, the owner, occupier and consumer are, in accordance with the council's by-laws relating to credit control and debt collection, jointly and severally liable and responsible for payment of all applicable charges for water supply and for all water supply services consumed in respect of the premises.

Termination, restoration, discontinuation of water supply services

6. (1) Without derogation from its rights to obtain payment for water supplied to the consumer, the council may, after not less than 48 hours' notice, cut off or restrict the supply to any consumer where such consumer has—

- (a) failed to pay on due date any sum due to council under these by-laws in respect of such supply; or
- (b) committed a breach of any of the provisions of these by-laws relating to the waste or misuse of water or contamination of the council's supply.

(2) Where the water supply has been cut off in terms of subsection (1), a consumer shall pay to the council the prescribed charge for cutting off water, unless he or she establishes that the council was not entitled to cut off such supply.

(3) In the event of the council at any time resuming the supply of water to a consumer whose supply has been cut off or restricted in terms of subsection (1), the consumer shall pay to the council the prescribed charge of reconnection, unless he or she establishes that the council was not entitled to cut off or restrict such supply.

Payment in respect of water meters

7.(1) When a consumer is supplied with water through a prepayment meter, in addition to the provisions in section 6 no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;

(2) When a consumer vacates any premises where a prepayment meter is installed, no refund of the credit remaining in the meter shall be made to the consumer;

(3) The council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tempering with, or the incorrect use or the abuse of, a prepayment meter or token.

(4) Leakages after the prepaid meter are costs to the consumer and they should meet required repairs.

Disconnection of supply on termination of agreement

8. (1) A customer may terminate an agreement for the provision of water supply services by giving council not less than ten working days' notice in writing of his or her intention to terminate the agreement.

(2) council may, by notice in writing of not less than ten days, advise a customer of the termination of his or her agreement for the provision of water supply services if—

- (a) the customer has not used the water supply services during the preceding six months and has not made arrangements to the satisfaction of the council for the continuation of the agreement; or
- (b) the customer has failed to comply with the provisions of these by-laws and, on receiving notice in terms of section 6(1) has failed to remedy the non-compliance; or
- (c) failed to pay any tariffs or charges due and payable by him or her after the procedure set out in the council's by-laws relating to credit control and debt collection has been followed.

(3) Where any agreement for supply between the council and the consumer has been terminated in terms of subsection (1), the council may disconnect such supply:

Provided that no such disconnection shall be carried out where a new consumer accepts liability for payment for water consumed from the date of the previous ordinary reading of the meter or for a special reading of the meter at the prescribed rates.

Quality of water and compulsory use of municipal water for domestic purposes.

9. (1) Council shall only to supply portable water suitable for domestic purposes

(2) Where a premise is located within a reasonable distance from a municipal water supply service it shall be compulsory to:

- (a) make an application to Council and be connected to municipal supply
- (b) use only such water for domestic purposes.

Pressure of water supply

10. (1) Subject to the provisions of this Part, no undertaking or guarantee shall be presumed on the part of the council to maintain any specified pressure of water at any time at any point in the council's water system.

(2) The council undertakes only to supply water under reasonable or normal pressure at the meter, and, where application is made for a supply of water and that supply is required to serve any premises or portion of premises situated above a level which can be served by the normal pressure in the council's water main, or where the pressure is insufficient to maintain an adequate supply to all fittings, it shall be incumbent upon the applicant to provide adequate and satisfactory means of supplementing the rate of supply by means of a gravity-tank, reserve storage-tank or approved booster pump system.

(3) No person shall install a gravity water tank without payment for approval of design drawings and inspection fees in terms of the tariff.

Special conditions relating to supply of water by portable meter

11. (1) Without derogation from any other provision of these by-laws the following subsections (2) to (9) shall apply to the supply of water by portable meter, and shall be deemed to have been included in every agreement for such supply.

(2) Where water is to be supplied by council from hydrants, the council shall supply a portable meter-unit.

(3) The consumer shall pay to the council in advance the prescribed deposit in respect of each portable meter unit supplied, which deposit shall be held by council as security for the due fulfilment of all provisions of any agreement relating to the supply of such unit and the payment by the consumer to the council for all water supplied to him and any other sums due by him to the council under such agreement;

(4) The consumer shall pay a charge for water so supplied and for the use of the portable meter-unit at the prescribed rate;

(5) All accounts for water so supplied shall be paid by the consumer to the council within fifteen days of the date of rendering by the council;

(6) Where water is taken by the consumer from hydrant without such water passing through the portable meter or where water is wasted before passing through such portable meter, the prescribed charge shall be paid by the consumer to the council for every day during which water is so taken or such waste continues;

(7) The consumer shall—

- (a) upon taking delivery of the portable meter-unit sign a receipt acknowledging such unit to be in good order and condition;
- (b) maintain and return such unit in the same good order and condition, fair wear and tear excepted.

(8) If the consumer fails to return the portable meter-unit he or she shall pay to the council the cost of a new unit or, if he returns such unit in a damaged condition, he shall pay to the council the cost of a new unit or the cost of repairs where such damaged unit can be satisfactorily repaired.

(9) The consumer shall take delivery of, and shall return, the portable meter-unit at such place as the council may from time to time direct.

Supplies for building purposes

12. (1) Where, upon the application of any owner, builder or other person, a temporary supply of water for building purposes is laid on to any premises, the cost of providing and fixing the communication-pipe and the meter shall be borne by such owner, builder or other person in accordance with the rates prescribed.

(2) Such owner, builder or other person referred to in subsection (1) shall pay for water supplied according to the prescribed tariff.

(3) If suitable for the purpose, the same communication-pipe as is supplied under this section may be used for the permanent supply to the premises, and any connection in respect of such permanent supply made with the service shall be in accordance with the provisions of this part.

PART III

METERING

Provision of meter

13. (1) The council shall supply and install a meter, of a size approved by the council, in the communication-pipe to any premises to which it has agreed to supply water.

(2) Where required by the council, the consumer shall provide a suitable and approved place on his or her stand in which the council can install the meter.

(3) When a meter is installed on a stand, the consumer or owner of the property shall take all steps to ensure that any authorised official of the council shall at all reasonable times have access to such meter for the purpose of reading, overhauling, removing or carrying out any such work on the meter as may be considered necessary.

Meters Generally

14. (1) Any water meter provided and installed by the council together with the fittings connected therewith, shall be, and shall remain, the absolute property of the Council.

(2) The council shall, at its own cost and expense, maintain and repair any meter provided by it, to the extent of ordinary wear and tear.

(3) The consumer shall be responsible to the council for taking all reasonable precautions for the safe keeping and protection of any meter installed upon his premises, and shall be liable to council for any damage which may be done to or sustained by such meter as a result of any failure to take such reasonable precautions.

(4) The council may at any time and at its own expense, disconnect and remove any meter and install and substitute any other meter:

Provided that such installation or substitution shall be done on the same day as the disconnection or removal.

Quantity of water registered and payment therefore

15. (1) Save as is provided in section 16, the quantity of water which is registered by the meter as having been supplied to any consumer shall be deemed to be the quantity actually so supplied.

(2) The quantity of water so registered shall be paid for by the consumer in accordance with the prescribed charge or tariff.

(3) If it is found that an account submitted to a consumer contained a factual error or omission in regard to —

- (a) any meter reading; or
- (b) conversion of any results into other terms; or
- (c) a calculation; or
- (d) the application of the appropriate scale of charges; or
- (e) minimum charge; or
- (f) fixed charge in terms of any prescribed tariff; or

- (g) the basic terms or conditions on which metering, tariff and accounting of water supplied to a consumer has changed as a result of a change in his service or premises or usage or supply of water;

the council shall submit an amending account to the consumer, covering any period within the four months prior to the date on which any such error, omission or change was discovered, so that such amending account correctly adjusts the amount of money due to the council for the said period.

Entry in books of council binding

16. Where a consumer disputes a meter reading in the absence of evidence showing either that the entry in the books of the council has been incorrectly made or that the meter was at the time of such reading registering incorrectly, the consumer shall be bound by the entry in the books of the council showing the meter reading.

Dissatisfaction with the reading

17.(1) If any consumer is at any time dissatisfied with any particular reading of a meter supplied by the council, and is desirous of having such meter tested, he shall give written notice to the council within thirty days after receipt of notice from the council of such reading, and shall, at the same time, pay to the council the prescribed deposit, and thereupon the meter shall be tested by the council.

(2) If such meter is found to be registering correctly, the council shall retain the deposit.

(3) If such meter is found to be registering incorrectly, the council shall refund the deposit to the consumer, and shall reaffix a meter in good working order without charge to the consumer, and the charge for water consumed during the four months preceding the reading in dispute shall be adjusted in accordance with the degree of error found:

Provided that where such meter has been installed for a period of less than eight months, such adjustments shall be made in respect of fifty *per centum* of such lesser period.

(4) For the purposes of this section—

- (a) the meter shall be considered to be registering correctly if no error in excess of the permitted tolerance of three *per centum* is recorded at the rate of the normal flow;
- (b) “normal flow” means two thirds of the maximum flow capacity of the meter.

Failure of meter to register

18.(1) Where any meter is found to have ceased to register, the council shall repair or replace such meter as soon as possible.

(2) unless the council is satisfied that a lesser or greater quantity of water has been consumed, the quantity of water to be paid for by the consumer from the date of the reading of the meter prior to its failure to register until the time of its repair or replacement shall be estimated by council on the basis of—

- (a) the average monthly consumption of water upon the premises served by the meter during the two months prior to the last registration; or
- (b) if an estimate in terms of paragraph (a) is not possible or practicable, the consumption in the corresponding period of the previous year upon such premises; or

- (c) if an estimate in terms of paragraph (a) or (b) is not possible or practicable, the average monthly consumption shall be taken from the annual budget of the council.

PART IV

WATER SUPPLY FOR FIRE-FIGHTING SERVICES

General conditions relating fire-fighting services

19. (1) Notwithstanding anything contained in this Part, the provisions of Part II and III shall apply *mutatis mutandis*, to the supply of fire-extinguishing services, and shall be deemed to have been included in every agreement of such supply.

(2) Water-supply installations which are intended for preventive or automatic use in the event of fire shall be used only for fire-extinguishing purposes.

(3) Connections to mains for fire-extinguishing purposes shall be at the discretion of the council, which shall be entitled to disconnect any fire-fighting services at any time.

Metering of fire connection

20. (1) The connection of a meter to a communication-pipe provided for fire-fighting purposes shall be at the discretion of the council.

(2) Where a connection has been made in terms of subsection (1), the consumer shall pay, on demand, any charges prescribed therefore.

Sprinkler installation

21. A sprinkler installation may be installed in direct communication with the main. But the council shall be deemed not to guarantee any specified pressure of water at any time.

Annual charge for sprinkler and drencher installation

22. (1) The annual charge prescribed in respect of the maintenance of the connection to the main of sprinkler and drencher installations and the inspection of such installations shall be paid in advance.

(2) The charge referred to in subsection (1) shall cover the emptying and refilling of any tanks where necessary:

Provided that the supply of water used in so doing shall be paid for according to the prescribed tariff, the amount being calculated according to the capacity of the tank or any part thereof, and shall be subject to the minimum charge prescribed.

Annual charge for private hydrant installations

23. The annual charge prescribed in respect of the maintenance of the connections to the main for private hydrant installations, other than sprinkler or drencher installations, and for the inspection of such private hydrant installations, shall be paid in advance.

PART V
RECLAIMED WATER

Conditions of supply of reclaimed water

24. (1) The council may supply reclaimed water to such consumers as it shall determine by resolution and in such quantities and under such conditions as it may specify in each case.

(2) The provisions of Parts I and II shall apply to the supply of reclaimed water, but the water so supplied shall be non-potable water which is not suitable for domestic purposes.

Distribution pipe work

25. (1) Water supplied to a consumer from a reclaimed-water main shall be distributed in a reticulation system which shall be entirely separate from any system for the distribution of potable water.

(2) No person shall connect any source of reclaimed water to any pipe, storage-tank, cistern or other appliance which is connected with the council's potable domestic water-supply.

(3) All pipe-connections from a reclaimed-water distribution network to any irrigation system shall be below ground-level, and operating valves and valve-box covers shall be painted bright yellow in colour.

(4) Any above-ground pipe-work used for the distribution of reclaimed water shall be painted bright yellow in colour on and exposed surfaces though out its length.

Warning notices

26. (1) On all premises supplied with reclaimed water, warning notices in red lettering at least forty millimetres in height on a clearly visible background shall be provided at all entrances to such premises, on all storage-tanks and cisterns, and at such other points as the council may require.

(2) The wording of notices required in terms of subsection (1) shall provide a warning to indicate that reclaimed water is in required by the council.

(3) The consumer shall maintain such notices in a legible and serviceable condition, to the satisfaction of the council.

Standard of purity

27. The standard of purity of any reclaimed water supplied by the council shall be as specified in the Schedule to the Public Health (Effluent) Regulations, 1972, published in Rhodesia Government Notice 638 of 1972.

Restricted use

28.(1)No person shall use any reclaimed water for irrigation of any land on which saladcrops, vegetables crops or berry fruits, which are to be eaten raw, are grown.

(2) No person shall privately treat reclaimed water for potable use.

PART VI

INTERFERENCE WITH WATER SYSTEM AND POLLUTION OF SUPPLY

Interference with water system

29. (1) No person, other than the duly authorized representative of the council, shall interfere with, or break open, any public fountain, stop-cock, hydrant, valve, meter, communication-pipe, meter-cabinet, pipe-work or other apparatus belonging to the council.

(2) No person shall do any wilful act whereby water belonging to the council and flowing in the council's pipes is wasted.

(3) Authorised officials of council shall at reasonable times be entitled to have access to the consumer or owner's property for purposes of inspecting any water connection by-passes or interference with the water system.

Pollution of supply

30. (1) No person shall—

- (a) bath in any stream, reservoir, aqueduct or the other place which contains water belonging wholly or partly to the council, and which is used for, or in connection with, the supply of water to the inhabitants of the area of supply, of wash or throw, or cause or permit to enter therein, and animal, except with the written permission of the council in the vicinity of such stream reservoir, aqueduct or other place stating that bathing or the entry of animals is permitted in such stream, reservoir, aqueduct or other place; or
- (b) throw any rubbish, dirt, filth other deleterious matter into such stream, reservoir, aqueduct or other place, or wash or cleanse therein any cloth, wool, clothes or leather, or the skin of any animal, or other matter; or
- (c) cause or permit the water of any sink, sewer, drain, steam-engine or boiler, or other unclean water or liquid for control of which he is responsible, to run or be brought into any such stream, reservoir, aqueduct or other place, or any main, or perform any other act whereby the water of the council intended for supply to the inhabitants of the area of supply may be polluted.

PART VII

BOREHOLES

Applications with respect to boreholes

31. (1) No person shall, without the prior written permission of the council, and except under such conditions as the council may specify, sink or dig a borehole on any stand.

(2) Where a person wishes to obtain the permission of the council in terms of subsection (1), he or she shall—

- (a) make a written application to the council at least fourteen days prior to undertaking any work, and
- (b) submit with the application an accurately drawn plan, to a scale of at least one to five hundred, indicating there on the site of the borehole and the position of any aqua-privy, pit-latrine, septic tank or French drain in the vicinity; and
- (c) provide details of the borehole respecting its diameter, the purpose for which the water is required and any further specifications, particulars or other information as the council may reasonably require.

(3) Any person drawing water from any borehole shall register such borehole with the council when called upon to do so.

Conditions relating to siting of boreholes

32. (1) No borehole shall be sited on any stand within a registered servitude or way leave.

(2) No person may—

- (a) dig or sink a borehole which will be situated less than- thirty meters from any aqua-privy, pit-latrine, cesspit, septic tank or French drain:

Provided that, if the water from a borehole is to be used solely for gardening purpose, such borehole may be sunk at a distance of not less than ten meters from an aqua-privy pit-latrine, cesspit, septic tank or French drain.

- (b) site an aqua-privy, pit-latrine cesspit, septic tank or French drain less than thirty meters from a borehole the water from which is used for drinking purposes or for watering animals.

Drilling times

33. (1) The work of drilling or sinking a borehole shall be executed only at reasonable hours during the day.

(2) Provided that the council may, in its discretion, further restrict the hours during which drilling or sinking may be executed in any place or area.

Pumping equipment

34. (1) No pump house or other structure housing a pump or other mechanized or electrical equipment associated with a borehole shall extend more than seven hundred and fifty millimetres above ground level unless in a structure and on a site approved by council.

(2) Every borehole which is dug or sunk after the date of commencement of these by-laws shall be lined for a distance of at least nine meters below the surface of the ground with any impervious lining which shall project at least two hundred and fifty millimetres above the surface of the ground.

Use of borehole water

35. The owner or occupier of any stand to which a supply of municipal water is not available and in respect of which water from a borehole is used for domestic purposes shall, at all times, comply with the requirements of the medical officer of health appointed by the council with regard to such water.

Connection between boreholes and other supplies

36. (1) No person shall cause or permit any water derived from a borehole, or other source, or reclaimed water-supplies, to enter any pipe connected with the council's domestic water-supply.

(2) The council's domestic water-supply system shall not be connected to any pipe or system of pipes which themselves are fed with water from a bore-hole or other source.

PART VIII

SEWERAGE AND DRAINAGE

Application for connection and discharge of trade effluent

37. (1) Where a person wishes to connect any private sewer or private drain to a public sewer or public drain, application for sewer or drainage connection, as the case maybe, shall be made to the council on the form provided by the council for the purposes which shall be submitted with applications for approval of plans to undertake sewerage and drainage work as required in terms of the council's building by-laws.

(2) Where a person wishes to discharge trade effluent into any public sewer or public drain or to alter in any respect any discharge previously approved. The application shall be made to the council on the form provided by the council for the purpose.

(3) Unless application has been made in terms of subsection (1) or (2) as the case may be and approved by the council no person shall-

(a) connect any private sewer or private drain to a public sewer or public drain, or

(b) discharge any trade effluent into any public sewer or public drain

(4) (1) Council may on application, issue an annual trade effluent discharge licence to persons that produce trade effluent and directly or indirectly discharge it into the municipal sewer in accordance with the Environmental Management Act Chapter (CAP) 20-27.

(2) A valid annual trade effluent discharge licence shall be a pre-requisite for an application for a council business licence for businesses that discharge trade effluent into any public sewer or public drain.

(3) Holders of an annual trade effluent discharge licence shall pay quarterly trade effluent discharge fees in terms of the council tariff

Connections generally

38. (1) The council shall in every case in which a private sewer is to be connected to a public sewer specify the position on the public sewer to which the private sewer may be connected, and at what depth below the surface of the ground the connection shall meet the private sewer.

(2) The council shall, in every case in which a private drain is to be connected to a public drain, specify the position on the public drain to which the private drain may be connected.

(3) No person shall subdivide any stand unless provision has been made, to the satisfaction of the council, for the drainage and sewerage of each and every portion of such stand.

Openings to be sealed if required

39. (1) The council may require the owner of any premises, within such reasonable time as it may specify, to close and seal up the opening of any sewerage or drainage work upon the premises which is, or shows signs of becoming, dangerous or unhealthy, and, if the owner fails to comply with such requirement, the council may close and seal up such opening, at the owner's expense.

(2) Where an opening has been closed and sealed in terms of subsection (1) the owner of the premises concerned shall ensure that it is kept properly closed and sealed until such time as the council, by written notice, permits the seal to be removed.

(3) No person shall—

(a) break or remove, or cause or permit to be broken or removed, a seal on: or

(b) open, or cause or permit to be opened;

any sewerage or drainage work which has been closed and sealed in terms of subsection

(4) The occupier of any premises upon which the opening of any sewerage or drainage work has been closed and sealed in terms of subsection (1) shall notify the council as soon as he becomes aware that the seal has been broken or removed or such work has been opened in contravention of the provisions of this section.

Entry of matter to sewers and drains

40. No person shall cause or permit any liquid or solid matter to enter any sewerage or drainage work the opening of which has been sealed up and closed until the removal of such seal has been authorised by written notice addressed by the council to the owner of the premises upon which such sewerage or drainage is situated if the discharge of such matter into such sewerage or drainage work is prohibited by these by-laws.

Protection of private household sewers at source

41(1) Every household shall install a council certified sediment insert cup, gully pots or silt traps which can be emptied regularly by the owner or occupier to prevent deleterious material from flowing into the public sewers and drains.

Protection of public sewers

(2) No person shall discharge or put, or cause or permit to be discharged or to be put, into any publicsewer any sewage or other substance which-

(a) is in the form of gas or steam, or has a temperature higher than forty-five degrees Celsius; or

(b) contains any calcium carbide or any other substance of whatsoever nature which is likely to produce or give off explosive, inflammable, poisonous or offensive gases, fumes or vapours; or

- (c) contains a substance which has an open flash-point of less than ninety-five degrees Celsius;
or
- (d) shows any visible signs of tar or associated products or distillates, bitumens or asphalts.

(2) No persons shall, except with the written permission of the council, and subject to such conditions as it may impose discharge or put, or cause or permit to be discharged or to be put, into any public sewer-

- (a) anything containing any substance in such quantities that, whether alone or in combination with other matter, it is likely to—
 - i. cause a nuisance to the public or injury or danger to the health of persons entering the public sewers or others; or
 - ii. impede the flow in the public sewers; or
 - iii. cause injury or damage to the public sewers or to any structures or any plant or land or crops used for the treatment or disposal of sewage; or
 - iv. affect injuriously the reuse of treated sewage or any of the processes whereby sewage is treated; or
- a) any liquid or solid substance which is of such strength or is amenable to treatment only to such degree that, after treatment at the sewage-treatment works, the effluent produced there from will not conform to the standards of quality prescribed in the Environmental Management (Effluent and Solid Waste Disposal) Regulations S. I. 6 of 2007.

- (c) any liquid which has a pH value less than six comma five or greater than twelve.

Discharge of trade effluent

42. (1) The council may, in its absolute discretion, permit the entry of trade effluent to the public sewerage system where in the opinion of the council sufficient capacity is available to convey the trade effluent in addition to the ordinary flow of domestic sewage:

Provided that the discharge of trade effluent accepted into the public sewers shall be subject to such charge for conveyance in the public sewers and for treatment and disposal at the council's purification works in accordance with their natural strength and volume as may be prescribed by the council.

(2) The council may by notice served on the owner or occupier of any premises from which a trade effluent is discharged require him without derogation from any other provision of these by-laws, to do all or any of the following things-

- a) regulate the temperature of the trade effluent at the time when it is discharged into the public sewer;
- b) subject the effluent before it is discharged into the public sewer to such pre-treatment or modification of the effluent cycle of the industrial or trade process as the council deems necessary, failing which the owner or occupier shall be liable to a monthly penalty fee determined by Council.

- c) restrict the discharge of the effluent to certain specified hours and the rate of discharge to a specified maximum and to install at his own expense such tanks, valves, appliances and other equipment as may be necessary for compliance with the said restrictions;
- d) construct at his expense an inspection chamber of such dimensions as it may require on any pipe or channel which conveys trade effluent to a private sewer or public sewer;
- e) provide or construct at his expense such tanks, valves, appliances or other protective works which will prevent the accidental discharge into the public sewer of any material or liquid delivered or being delivered to or from or stored on, the premises the discharge of which would be a contravention of these by-laws and liable to a fine determined by Council in terms of trade effluent formulas

Protection of public drains

43. (1) No person shall discharge or deposit or cause or permit to be discharged or to be deposited into any public drain either directly or through any private drain either directly or through any private drain, any solid matter, suspended matter, mud, chemical, oil, grease, trade effluent or other refuse which may-

- (a) cause a nuisance; or
- (b) obstruct the flow in the public drain; or
- (c) be injurious to the structure of the public drain or the operation thereof.

(2) No person shall discharge or cause or permit to fall flow or enter or be carried or washed into any public drain whether directly or through any private drain, any liquid other than rain water, subsoil water or spring water except with the prior written permission of the council and subject to such conditions as it may impose.

(3) No person shall:

- (a) construct any building or other structure over a public sewer or public drain or in such a position or in such a manner as to be likely to interfere with or endanger a public sewer or public drain; or
- (b) excavate, open or remove the ground above, next to, under or near a public sewer or public drain.

(4) Council may:

- (a) demolish, alter or otherwise deal with any building or other structure constructed in contravention of subsection (3);
- (b) fill in or make good any ground excavated or removed in contravention of subsection (3);
- (c) repair and make good any damage done in contravention of, or occasioned as a result of a contravention of subsection

(3) and recover the expenses incurred by the council from the person guilty of such contravention.

Obstruction of public sewers and public drains

44. (1) No person shall interfere with break into, damage, remove any part of or obstruct any public sewer or public drain or any access thereto.

(2) The owner or occupier of any premises on which is situated any public sewer or public drain shall ensure that access to such public sewer or public drain is always readily available and that no obstruction occurs to or over any manhole or inspection chamber, or to any chamber, ventilation-pipe or other appliance associated with any such public sewer or public drain.

Clearance of obstructions in private sewers and private drains

45. (1) Where at the request of the owner of any premises the council has cleared a private sewer or private drain situate on the premises of any obstruction, the owner shall be liable for the cost incurred by the council in clearing such obstruction or for the charge prescribed for such work, whichever is the greater.

(2) The owners of any premises served by a combined private sewer or a combined private drain shall be liable for the costs in such proportions as the council shall deem just for the cost of clearing any obstruction from such combined sewer or combined drain, or for the charge prescribed for such work whichever is greater:

Provided that, if the obstruction is found in a section of the private sewer or private drain used by one occupier or owner the cost of clearing such obstruction shall be borne by the owner of the property served by such section of such private sewer or private drain.

Removal of trade effluent or trade refuse

46. (1) Where the discharge of trade effluent or trade refuse, either solid or liquid is prohibited in terms of these by-laws , alternative disposal arrangements shall be provided by the owner or the occupier of the premises, to the satisfaction of the council.

(2) The council may, subject to such conditions as it may impose, provide a service for the removal of any trade waste referred to in subsection (1)

(3) All trade waste removed by the council in terms of subsection (2) or deposited for removal in any receptacle provided for the purpose shall be the property of the council and no person other than a council employee shall remove or interfere with any such trade waste, except with the written permission of the council.

(4) The cost of removal of any trade waste and or repairing any damaged public sewer or drainage by the council in terms of subsection (2) shall be recoverable from the owner or the occupier of the premises from which it is to be removed.

PART IX

GENERAL

Approval of applications

47. (1) Approval by the council of any application submitted in terms of section 4 or 36 shall be subject to the payment by the applicant of any deposit or charge prescribed for any connection or service to be provided or work to be undertaken and to the agreement of the applicant—

- (a) to comply with any conditions or terms embodied in the application form, contract or agreement; and

- (b) in the case of an application for the discharge of trade effluent, to comply with any special conditions appertaining to the pre-treatment or regulation of the discharge.

Charges in general

48. (1) Where these by-laws provide for the payment of a prescribed deposit or charge as a condition precedent to—

- (a) the carrying out of any work ; or
- (b) the provision of any service; or
- (c) the taking of any action;

and application to the council has to be made for such work to be carried out, service provided or action taken, as the case may be, the applicant shall pay such charge or deposit at the time of making the application.

Penalties and offences

49(1) . Any person who—

- (b) Attempts to, or violets any section or subsection in this bylaw;

(2) Shall be guilty of an offence and liable to a fine not exceeding level three or six months imprisonment or to both such fine and such imprisonment.

Repeals

50. The Bulawayo (sewage, drainage and water) by laws published in Statutory instruments 200/84; 390/80; 506/80; 425/80 and 572/81

PENALTIES AND FINES SCHEDULE

Section	Offence	Level of fine
3 (1)	Illegal water connection	3
10(3)	Installation of gravity water tank without Council approval	2
14(3)	Damage or failure to take precaution in protection of any water meter	2
28(1)	Use of reclaimed water on fruits and vegetables to be eaten raw	2
28 (2)	Private treatment of reclaimed water for potable use	2
29(1)	Interference with meter, valve, stopcock or other apparatus belonging to Council	3
29 (2)	Wasting Council Water	3
29 (3)	Denying Council officials access to premises for inspection	2
30 (1) (a-c)	Pollution of supply	3
31 (1)	Sink or dig a borehole without written permission	2
32(1)	Breach of conditions relating to siting of boreholes	2
34(1)	Failure to observe the minimum depth for pumping equipment	2
36 (1)	Connection between boreholes and other supplies	2
37 (3)(a)	Connecting private sewer or private drain to a public sewer	3
37(b)	Discharge any trade effluent into any public sewer or public drain	3
38(3)	Subdivision of stand without approval	3
39 (1)	Failure to close and seal up the opening of any dangerous sewerage or drainage on premises	2
39(3)	Breaking or removal of seal	3
40	Allowing entry of matter to sewer and drains	3
41(1)	Failure to install sediment insert cup, gully pots or silt traps	2
41(2)	Discharge of gas, materials or substances into public sewers	3
43(1)	Discharge of materials into the public drains	3
43(3)	Construction of any structure over public sewer or drain	3
44	Obstruction of public sewers and public drains	3

SCHEDULE (*Section 3*)
TOWN COUNCIL
APPLICATION FOR WATERCONNECTION

Surname:

Name(s):

Address at which connection to be made:

1. I/We hereby make application for a water connection to be made at Stand No.....Street Name:....., in accordance with the (Water, Sewerage and Drainage) By-laws, 2023

2. I/We undertake to enter into contract with the council for the supply of water.

3. I/We agree to make payment to the council for the water supplied in accordance with the tariff laid down by the council for as long as I/We continue to occupy the premises, from which charges I/We shall not be exempt during periods of temporary absence except by prior agreement with the council

4. I/We agree that if payment is not made on the due date and after having received one months' notice, the council shall have the right to cease supply and not resume except on payment by me/us of all agreed charges and the reconnection fee.

3. I/We enclose herewith the sum of being the water connection fee.

Date:.....

Signature.....

NB: 1. This application does not bind the council to any immediate connection

2. A refundable deposit ofis required before the water will be supplied