

STORMWATER MANAGEMENT BY-LAWS

Be it enacted by the Council of the, and approval of the Member of the Executive Council responsible for local government in terms of section 156(2) of the Constitution of the Republic of South Africa Act, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as follows:

INDEX

CHAPTER 1: DEFINITIONS

Section 1: Definitions

CHAPTER 2: PROHIBITED ACTIVITIES

Section 2: Unauthorised discharge

Section 3: Unauthorised connection

Section 4: Obstruction of flow

CHAPTER 3: SUSPENSION OF ACCESS AND NOTIFICATION

Section 5: Suspension of access

Section 6: Notification of spills

CHAPTER 4: CONSTRUCTION AND MAINTENANCE

Section 7: Construction and maintenance of storm water drains and connections

CHAPTER 5: GENERAL PROVISIONS

Section 8: Offences

Section 9: Repeal of existing By-laws

Section 10: Short title and commencement

CHAPTER 1 DEFINITIONS

Definitions

1. In these bylaws, unless the context indicates otherwise—

"Council" means the Municipal Council of the Municipality;

"unauthorised discharge" means any discharge into the storm water system which is not composed entirely of storm water;

"occupier", in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered; or
- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"premises" means any privately-owned land or land on which buildings or other structures are situated;

"storm water" means any storm water runoff, surface water runoff, sub-soil or spring water;

"storm water drain" means any closed or open drain used or intended to be used for carrying storm water within any premises to the storm water system; and

"storm water system" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying storm water, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

CHAPTER 2 PROHIBITED ACTIVITIES

Unauthorised discharge

2.(1) Subject to subsection (2), no person may, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead to the discharge any unauthorised discharge into the storm water system without the prior authority of the Council.

(2) Nothing prevents the discharge into the storm water system of flow from -

- (a) potable water sources;
- (b) natural springs or wetlands;
- (c) diverted streams;
- (d) rising groundwater;
- (e) fire fighting activities;
- (f) individual residential car washing;
- (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
- (h) street sweeping.

Unauthorised connection

3. No person may construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the sewer network.

Obstruction of flow

4. No person may obstruct or interfere with the normal flow of storm water into, through or out of the storm water drainage systems without the prior written approval of the Council.

**CHAPTER 3
SUSPENSION OF ACCESS AND NOTIFICATION**

Suspension of access

5.(1) The Council may issue a notice suspending access to the storm water system when such suspension is necessary to stop an actual or unauthorised discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

(2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

Notification of spillages/unauthorized discharges

6. As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the storm water system, the owner or occupier must -

(1) take all immediate steps necessary to ensure containment and cleanup of the discharge;

(2) notify the Council as soon as reasonably possible of the discharge.

**CHAPTER 4
CONSTRUCTION AND MAINTENANCE**

Construction and maintenance of storm water drainages and connections

7. The owner or occupier, as the case may be, of any premises will be responsible for the construction and maintenance, of any storm water drainages on their premises and any connection between such drains and the council storm water system.

**CHAPTER 5
GENERAL PROVISIONS**

Offences

8. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

will be guilty of an offence and will be liable on conviction to a fine not exceeding or imprisonment for a period not exceeding ... months or both.

Repeal of existing by-laws

9. The Council's existing by-laws are hereby repealed.

Short title and commencement

10. These by-laws will be called the Storm water Management By-laws, with effect from,