

TOWN COUNCIL (PUBLIC SEWERS) REGULATIONS

(under section 9)

(8th April, 1982)

ARRANGEMENT OF REGULATIONS

REGULATION

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S.I. 37, 1982.

1. Citation

These Regulations may be cited as the Town Council (Public Sewers) Regulations.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires-

"**authorized officer**" means a person authorized by a council to inspect public sewers or pipes or drains connected therewith;

"**council**" means a city or town 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 a local authority or the Minister for the time being responsible for local government and lands;

"**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;

"waste water" means used water, not being soil water, trade effluent or storm water.

(2) For the purposes of these Regulations a building shall not be deemed to have 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 a sufficient supply of water except where such is laid on or 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 a 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 connection to a supply of water, the 30 metres limit shall not apply.

3. Duty of council to keep map showing sewers

Every 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.

4. Power of council to alter or close public sewer

A 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.

5. Power of council to agree to adopt sewer or sewage disposal works

A 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. Certain matter not be passed into sewer

(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 steam, 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) radioactive substance.

(2) Any person who contravenes any provision of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding P100 and a further fine not exceeding P10 per day for each day on which the offence continues.

7. Storm water not to enter public sewer

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

8. Sewage not to enter storm water drains

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. Right to connect to public sewer

(1) Subject to the provisions of regulation 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 subregulation (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 regulation 14; or

(ii) the discharge of which is prohibited under these Regulations or any enactment;

(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;

(ii) where the sewer is situated at a distance of more than 30 metres from the boundary of the premises.

10. Council to require connection to public sewer in certain circumstances

Where a public sewer and a sufficient supply of water is available and a council is of the opinion that satisfactory provision has not been made for the hygienic and adequate disposal of foul water or that 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 his own 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. Procedure in respect of connection to public sewer

(1) A person who requires the drainage installation of his premises to be connected to a public sewer shall apply in writing to the council in such manner as may be prescribed.

(2) Where a council receives an application under subregulation (1) it shall, within 21 days of the receipt thereof, advise the applicant in writing whether or not the application has

been granted or rejected.

(3) A rejection of an application under subregulation (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 subregulation (4) the applicant shall, before work commences, be required to pay the council the cost thereof as estimated by the council.

(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 authorized officer reasonable access to inspect the work.

(7) A connecting drain, pipe or sewer constructed under the preceding provisions of this regulation 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 Regulations 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 subregulation (5)-

(a) exceeds the cost incurred, the council shall repay the excess; or

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

12. Common sewer or drain

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

13. Disconnection

(1) Except with the written permission of the council and on its behalf, a drainage installation connected to a public sewer shall not be disconnected therefrom for the purpose of maintenance or renewal.

(2) Maintenance or renewal work carried out under subregulation (1) shall be at the expense of the owner of the premises.

14. Discharge of trade effluent into public sewer

(1) A council may, subject to the written approval of the Minister and to any condition he may think fit to impose, grant permission 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 subregulation (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 application in writing to the council for permission to do so 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 subregulation (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 P2000 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 subregulation (5), a council shall be entitled to 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.

15. Control of trade effluent

Notwithstanding any other provision of these Regulations a 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-

- (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 regulation 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 a position such as the council may determine; or
- (d) provide and maintain a meter measuring the total volume of water drawn from a borehole, a spring or other natural source and used on the premises.

16. Metering and assessment of trade effluent

(1) A council may incorporate in a drainage installation conveying trade effluent to a public sewer, in such a position as it shall determine, a meter or gauge or other device for the purpose 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 meter, gauge or other device:

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

(2) A council shall be entitled, in terms of subregulation (1), to install and maintain, at the expense of the owner, a meter, gauge or other device.

17. Grease traps

A council may, by written notice to the owner of a hotel, boarding house, restaurant, eating house, laundry or other premises from which waste water of a fatty or soapy nature is discharged into a drain or sewer, require such owner, within a reasonable time to be specified in the notice to provide and fix, to the satisfaction of the council, a proper and efficient grease trap for the reception thereof prior to the waste water being discharged into the sewer or drain.

18. Penalties where not prescribed

Any person found guilty of an offence against any provision of these Regulations shall, where no penalty is prescribed therefor, be liable to a fine not exceeding P100 and a further fine not exceeding P10 per day for each day on which the offence continues.