DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

PROVINCIAL GOVERNMENT NOTICE

No. ...., 2015

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister of Provincial and Local Government Affairs and Organised Local Government in the Province, hereby make the standard By-laws contained in the Schedule hereto.

Signed at _____ on this ____ day of _____ Twenty Fifteen.

N DUBE

Member of the Executive Council of the Province of KwaZulu-Natal responsible for local government.

SCHEDULE

Be it enacted by the Council of the Mandeni Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

STORMWATER MANAGEMENT BY-LAWS

INDEX

CHAPTER 1

DEFINITIONS

1. **Definitions**

   In this by-law, unless the context indicates otherwise –

   "Council" means the Council of the Mandeni Municipality;

   "Non-stormwater discharge" means any discharge into the stormwater system which is not composed entirely of stormwater;

   "Occupier", in relation to an 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;

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

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

   "Stormwater 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 stormwater, 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

2. Unauthorised discharge

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

(2) Nothing prevents the discharge into the stormwater 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.

3. Unauthorised connection

No person shall construct, use, allow, maintain or continue any unauthorised drain or conveyance which allows discharge into the stormwater system.

4. Obstruction of flow

No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater system without the prior written approval of the Council.

CHAPTER 3

SUSPENSION OF ACCESS AND NOTIFICATION

5. Suspension of access

(1) The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of

any pollutants that present imminent risk or 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 minimise harm to the public health, safety or the environment.

6. Notification of spills

As soon as the owner or occupier of any premises becomes aware of any discharge of pollutants into the stormwater system, the owner or occupier shall –

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

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

CHAPTER 4

CONSTRUCTION AND MAINTENANCE

7. Construction and maintenance of stormwater drains and connections

The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any stormwater drains on the premises. Any connection between such drains and the stormwater system shall require written consent of the Council. No connection between such drains and the stormwater system shall commence without the prior authority of the Council.

CHAPTER 5

GENERAL PROVISIONS

8. Offences

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,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

9. Repeal of existing by-laws

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

10. Short title and commencement

These by-laws shall be called the Stormwater Management By-laws, 2015, and shall come into operation on.................