

## **GEORGE MUNICIPALITY ELECTRICITY SUPPLY BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the George Municipality enacts as follows:

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## SCHEDULE 1: "Applicable standard specification"

### 1. Definitions

In this by-law, unless inconsistent with the context

**"applicable standard specification"** means the standard specifications as listed in Schedule 1 attached to this by-law;

**"certificate of compliance"** means a certificate issued in terms of the Electrical Installation Regulations in respect of an electrical installation or part of an electrical installation by a registered person;

**"consumer"** in relation to premises means:

- (a) any occupier thereof or any other person with whom the municipality has contracted to supply or is actually supplying electricity thereat; or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

**"Competent Person"** means a competent person as defined in regulation 1 of the General Machinery Regulations, 1988;

**“credit meter”** means a meter where an account is issued subsequent to the consumption of electricity;

**"electrical contractor"** means an electrical contractor as defined in the Electrical Installation Regulations;

**"electrical installation"** means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding

- (a) any machinery of the supplier related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50V where such electricity is not derived from the main supply of a supplier;
- (c) any machinery which transmits electrical energy in telecommunication, television or radio circuits;
- (d) an electrical installation on a vehicle, vessel, train or aircraft;

**"Electrical Installation Regulations"** means Electrical Installation Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

**"embedded generation"** means the generation of electricity by whatever means, that is or is intended to be connected to the supplier's electricity network in order to export electricity so generated into the network;

**"emergency standby generator"** means a generator that is intended to supply electricity to a consumers installation or parts thereof whilst isolated from the supplier's electricity distribution network;

**"Engineer"** means a competent official of the electricity undertaking appointed by the Council;

**"high voltage"** means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of  $44\text{kV} < U_n \leq 220\text{ kV}$ . [SANS 1019];

**"generator"** means any device or machinery designed to generate electricity and includes mechanically driven alternators, renewable sourced electricity generation with inverter systems and stored energy systems with inverter systems. It will also refer to the entity operating a generation system;

**"law"** means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

**"low voltage"** means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V ( or a d.c. voltage of 1500 V). [SANS 1019];

**"medium voltage"** means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of  $1\text{ kV} < U_n \leq 44\text{ kV}$ . [SANS 1019];

**"meter"** means a device which records the demand and/or the electrical energy consumed and includes credit, 'smart' and prepayment meters;

**"motor load, total connected"** means the sum total of the kW input ratings of all the individual motors connected to an installation;

**"motor rating"** means the maximum continuous kW output of a motor as stated on the maker's rating plate;

**"motor starting current"** in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;

**"municipality"** means the George Municipality, and includes any political structure, political office bearer, duly authorized agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with

this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

**"occupier"** in relation to any premises means

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein; or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his/her whereabouts are unknown;

**"owner"** in relation to premises means the person in whom is vested the legal title thereto; provided that

- (a) in the case of immovable property
  - (i) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or
  - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined
  - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
  - (ii) is absent from the Republic of South Africa, or if his address is unknown to the municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property;
- (c) if the municipality is unable to determine who the owner is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

**"point of consumption"** means a point of consumption on an electrical installation as defined in the Electrical Installation Regulations;

**"point of metering"** means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the municipality or the electrical installation of the consumer, as specified by the municipality provided that it shall meter all of, and only, the consumer's consumption of electricity;

**"point of supply"** means the point determined by the municipality at which electricity is supplied to any premises by the municipality;

**"premises"** means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

**"prepayment meter"** means a meter that can be programmed to allow the use of pre-purchased amounts of energy in an electrical circuit;

**"registered person"** means a person registered in terms of Regulation 9 of the Electrical Installation Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

**"Retail Wheeling"** means the process of moving third party electricity from a point of generation across the distribution systems of the Council to a customer of the third party.

**"safety standard"** means the Code of Practice for the Wiring of Premises SANS 10142 incorporated in the Electrical Installation Regulations;

"**service connection**" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"**service protective device**" means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"**smart meter**" means a meter capable of two way communication between the meter and the supplier and between the meter and the consumer;

"**standby supply**" means an alternative electricity supply from the supplier, not normally used by the consumer;

"**supply mains**" means any part of the municipality's electricity network;

"**temporary supply**" means a supply of electricity required by a consumer for a period normally less than one year;

"**tariff**" means the municipality's tariff of charges for the supply of electricity;

"**token**" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*;

"**voltage**" means the difference of electrical potential (root mean square in the case of AC) between any two live conductors or if there is only one conductor between that conductor and earth.

## 2. Other terms

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act (Act 4 of 2006) as amended or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

## 3. Headings and titles

The headings and titles in this by-law shall not affect the construction thereof.

# CHAPTER 1

## GENERAL CONDITIONS OF SUPPLY

### 4. Provision of Electricity Services

Only the municipality shall supply electricity or contract for the supply of electricity within the supply area of the municipality, except for those areas where ESKOM is the supplier of electricity.

### 5. Supply by agreement

(1) Subject to the provisions of the municipality's Customer Care and Revenue Management by-law, no person may use or be entitled to use an electricity supply from the municipality unless or until such person has entered into an agreement in writing with the municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.

(2) If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in section 44 of this by-law.

### 6. Service of notice

(1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorized or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

## **7. Compliance with notices**

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

## **8. Application for supply**

- (1) Application for the initial supply or an increase in supply of electricity to any premises shall be made in writing by the prospective consumer or his authorized agent on the printed form obtainable free of charge from the offices of the municipality and shall state the number and particulars of consuming devices to be installed in connection with such supply and the estimated load in kilovoltamperes and shall be accompanied by an energy compliance certificate.
- (2) At the time of making the application, the applicant shall disclose whether or not he or she has been residing or carrying on business at the premises in respect of which the application has been made.
- (3) In the event of it coming to the attention of the municipality that the applicant has been residing or carrying on business at the premises before the date of application and that at the time of the application an amount owing to the municipality for electricity supplied to the premises is more than one month in arrears, the municipality shall have the right to refuse to supply electricity to the premises until such arrears have been paid in full or until arrangements in terms of the Customer Care and Revenue Management by-law have been made to pay such arrears.
- (4) Where in order to make a supply or increased supply available it is necessary to alter the supply mains, the supply will be made available within a reasonable time subject to the availability of labor and materials
- (5) Where reinforcement or extension of the municipality's supply mains are necessary to meet a request for a new supply or an increased existing supply, the applicant may be required to secure the municipality against abortive and unnecessary capital expenditure incurred in making the requested supply available.

## **9. Processing of requests for supply**

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in the National Rationalised Standard 047.

## **10. Wayleaves**

- (1) The municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the municipality written

permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorizing the laying or erection of a service connection thereon.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

#### **11. Statutory Authority**

(1) Subject to the provisions of subsection (3) the municipality may within its municipal area-

- (a) provide, establish and maintain electricity services;
- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
- (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the municipality;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

(2) If the municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the municipality or under the control of or management of the municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the municipality or, in the absence of agreement, as determined in terms of section 64.

(3) The municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or under the control or management of the municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

#### **12. Right of admittance to inspect, test or do maintenance work**

(1) The municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-

- (a) doing anything authorized or required to be done by the municipality under this by-law or any other law;
- (b) inspecting and examining any service mains and anything connected therewith;
- (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and making any necessary survey in connection therewith;
- (d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law; and
- (e) enforcing compliance with the provisions of this by-law or any other law.

(2) The municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the municipality is authorized to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the municipality and such person or, in the absence of agreement, as may be determined in terms of section 64.

(3) The municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (1).

(4) The municipality may gain access to or over any property without notice and may take whatever action as maybe necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

### **13. Refusal or failure to give information**

No person may refuse or fail to give such information as may be reasonably required of him or her by any duly authorized official of the municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

### **14. Refusal of admittance**

No person may willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

### **15. Improper use**

(1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The fee as prescribed by the municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

### **16. Electricity tariffs and fees**

Copies of tariffs and fees may be obtained free of charge at the offices of the municipality.

### **17. Deposits**

The municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the municipality. The amount of the deposit in respect of each electricity installation shall be determined and managed by the municipality in terms of its Revenue Management and Customer Care by-law.

### **18. Payment of charges**

In addition to the requirements listed in the Council's Revenue Management and Customer Care by-law, the following applies:

(1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the municipality.

(2) All accounts shall be deemed to be payable when issued by the municipality and each account must, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself or herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(4) Where a duly authorized official of the municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he or she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.

(5) After disconnection for nonpayment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is reconnected.

#### **19. Interest on overdue accounts**

The provisions of the municipality's Customer Care and Revenue Management by-law shall apply to interest on overdue accounts.

#### **20. Principles for the resale of electricity**

The resale of electricity is subject to conditions defined in the Electricity Regulation Act (Act 4 of 2006) and the Council's Revenue Management and Customer Care by-law.

(1) Unless otherwise authorized by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by the SABS and supplied, installed and programmed in accordance with the standards of the Municipality.

(2) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

#### **21. Right to disconnect or remove supply**

(1) The municipality shall have the right to disconnect the supply of electricity to any premises-

- (a) if the person liable to pay for such supply fails to pay any charge due to the municipality in connection with any service which he or she may at any time have received from the municipality in respect of such premises;
- (b) if any of the provisions of this by-law or the Electrical Installation Regulations are being contravened, provided the municipality has given the person 14 (fourteen) days notice to remedy his or her default and the person has failed to remedy such default.

(2) In the case of a grave risk to person or property, or as envisaged in terms of Section 26 of this by-law, the municipality may disconnect the supply to any premises without notice.

(3) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

#### **22. Non-liability of the municipality**

The municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from-

- (a) any work undertaken by the municipality in terms or for the purpose of this by-law; or
- (b) the cessation, interruption, discontinuance, connection, deficiency, variation or any other abnormality of the supply of electricity unless attributable to negligence on the part of any employee or agent of the municipality.

**23. Leakage of electricity**

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

**24. Failure of supply**

(1) The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality shall have the right to charge the consumer the fee as prescribed for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

(3) The municipality shall have the right to charge the consumer the prescribed fee for any visit requested by the consumer where no fault is found.

**25. Seals of the municipality**

The meter, service protective devices and all apparatus belonging to the municipality shall be sealed or locked by a duly authorized official of the municipality, and no person not being an official of the municipality duly authorized thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

**26. Tampering with service connection or supply mains**

(1) No person may in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.

(2) Where prima facie evidence exists of a consumer or any person having contravened subsection (1), the municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer.

(3) The person contemplated in subsection (1) shall be liable for all fees and charges levied by the municipality for such disconnection.

(4) Where a consumer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

**27. Protection of municipality's supply mains**

(1) No person may, except with the consent of the municipality and subject to such conditions as may be imposed –

- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

(2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the

municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.

(3) Should the owner fail to observe this provision the municipality does have the right, in terms of the Electrical Machinery Regulations of the Occupational Health and Safety Act (85 of 1993), after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and is entitled to enter the property for this purpose.

(4) The municipality may, subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

(5) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

## **28. Prevention of tampering with service connection or supply mains or other apparatus of the Council**

If the municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment or other apparatus of the Council connected to the installation, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the municipality.

## **29. Unauthorized connections**

No person other than a person specifically authorized thereto by the municipality in writing may directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

## **30. Unauthorized reconnections**

(1) No person other than a person specifically authorized thereto by the municipality in writing may reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the municipality.

(2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.

(3) The municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full and the consumer will be held responsible for all the costs associated with the reinstatement of such supply equipment.

## **31. Temporary disconnection and reconnection**

(1) The municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the municipality for each such disconnection and subsequent reconnection.

(2) In the event of the necessity arising for the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the municipality may waive payment of the fee contemplated in subsection (1).

(3) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

(4) Where the supply to any premises has been temporarily disconnected for any reason, any fixed or standing charges normally payable shall remain due and payable by the consumer.

### **32. Temporary supplies**

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and the municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

### **33. Temporary work**

(1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the municipality.

(2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

### **34. Load reduction**

(1) At times of peak load, or in an emergency, or when, in the opinion of the municipality, it is necessary for any reason to reduce the load on the electricity supply system of the municipality, it may without notice interrupt and, for such period as it may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific machinery or appliance or the whole installation.

(2) The municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

(3) The municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorized official of the municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

(4) Notwithstanding the provisions of subsection (3), the consumer or the owner, as the case may be, shall provide such necessary accommodation and wiring as the municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (3).

### **35. High, medium and low voltage switchgear and equipment**

(1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the municipality be paid for by the consumer.

(2) Ownership and responsibility for maintenance of the equipment will be in accordance with municipal policy.

(3) At the discretion of the municipality, consumers may be required to procure or arrange for the installation of the circuit breakers and protective equipment referred to in subsection (1).

(4) Where required by the municipality, the consumer shall provide an approved means of isolation between municipal circuit breakers and his equipment.

(5) All such equipment installed on the consumer's premises shall be compatible with the municipality's electrical performance standards.

(6) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment belonging to the municipality and forming part of the service connection or electrical network belonging to the municipality without the written authority of the municipality and without giving reasonable prior notice to the municipality's System Control Centre.

(7) In the case of high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the municipality shall be advised of the competent person appointed by the consumer in terms of the Electrical Installation Regulations, and of any changes made to such appointments.

(8) In the case of low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the municipality.

(9) Where the municipality permits the use of its circuit breaker for the protection of the consumer's equipment, the consumer shall bear any additional costs.

(10) The consumer shall bear the cost of any cables which form part of the municipality's supply mains which are laid on his premises.

(11) Where required by the municipality, the consumer shall provide approved accommodation for its metering and service equipment.

### **36. Substation accommodation**

(1) The municipality may, on such conditions as may be deemed fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.

(2) The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

(3) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required, such additional accommodation shall be provided by the applicant at the cost of the municipality.

(4) Should the owner fail to maintain the substation to the required standard after being requested to do so by the municipality; the municipality may carry out such repairs as it may deem fit and the owner shall pay the cost of such repairs.

(5) The owner shall ensure that free and unimpeded access is available to the substation at all times.

### **37. Wiring diagram and specification**

(1) Where more than one electrical installation or electricity supply from a common main, or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the municipality in duplicate for approval before the work commences.

(2) Should five or more users be supplied from a single point of supply, the design shall be done by a competent person as required by the Electrical Installation Regulations (Sub-regulation 5: Construction) and the Certificate of Compliance shall accordingly reflect compliance.

(3) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the municipality for approval before any material in connection therewith is ordered.

### **38. Standby supply**

No person is entitled to a standby supply of electricity from the municipality for any premises having a separate source of electricity supply except with the written consent of the municipality and subject to such terms and conditions as may be laid down by the municipality.

### **39. Consumer's emergency standby supply equipment**

(1) No emergency standby equipment provided by a consumer in terms of any Electrical Installation Regulations or for his own operational requirements may be connected to any installation without the prior written approval of the municipality.

(2) Application for such approval shall be made in writing using the forms that the municipality will provide on request and shall include a full specification of the equipment and a wiring diagram.

(3) The standby equipment shall be so designed and installed that it is impossible for the municipality's supply mains to be energized by means of a back-feed from such equipment and the consumer shall be responsible for providing and installing all such protective equipment.

(4) Where by special written agreement with the municipality, the consumer's generating equipment, including small scale generation by means of renewable energy sources, is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing, protective and metering equipment required for such safe parallel operation and possible export of electrical energy, to the satisfaction of the municipality and in accordance with any applicable standards and guidelines.

#### **40. Norms and standards**

The municipality may determine and publish norms and standards regarding matters not specifically covered in the Electrical Installation Regulations or this by-law but which are necessary for the safe and efficient operation and management of the supply of electricity.

## **CHAPTER 2**

### **RESPONSIBILITIES OF CONSUMERS**

#### **41. Consumer to construct and maintain electrical installation**

(1) Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and constructed and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Electrical Installation Regulations and the requirements of the Electricity Regulation Act.

(2) Should any item forming part of an installation not be covered by an incorporated safety standard, approval for the use of such an item shall be referred to an Authorised Inspection Authority (AIA) as defined in the Electrical Installation Regulations. The municipality will not undertake this responsibility.

(3) The municipality may require the consumer to reimburse it for any expense arising from a fault in the installation.

(4) Where it is found that a meter, service connection, service protective device or supply mains have been damaged through no failure due to the operation of the service protective device, the consumer shall be liable for all charges incurred by the municipality in removing, overhauling or replacing if irreparably damaged, and reinstalling the meter.

(5) Should the damage have resulted in the metering recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his or her estimated consumption from the date it can accurately be determined the meter was damaged.

#### **42. Fault in electrical installation**

(1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately-

- (a) isolate the electricity supply;

- (b) without delay give notice thereof to the municipality; and
  - (c) take immediate steps to remedy the fault.
- (2) The municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

**43. Discontinuance of use of supply**

- (1) In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least four full working days' notice in writing of such intended discontinuance to the municipality, failing which he or she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of five full working days after such notice has been given.
- (2) Any costs incurred in the tracing of consumers shall be added to such consumer's other liabilities to the municipality..

**44. Change of occupier**

- (1) A consumer vacating any premises shall give the municipality not less than four full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he or she shall make application in accordance with the provisions of section 5 of this by-law, and if he or she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity may be disconnected, and he or she shall be liable to the municipality for consumption from the date of occupation till such time as the supply is so disconnected.
- (3) Where premises are fitted with prepayment meters any person occupying the premises at that time shall be deemed to be the consumer.
- (4) Until such time as an application is made by the person contemplated in subsection (2) for a supply of electricity he or she shall be liable for all charges and fees owed to the municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

**45. Service apparatus**

- (1) The consumer shall be liable for all costs to the municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the municipality which shall be final and binding.
- (5) The applicant, applying for a temporary connection, shall be responsible for the municipality's service equipment in terms of subsection (1).

**CHAPTER 3**

## SPECIFIC CONDITIONS OF SUPPLY

### **46. Service connection and installations**

- (1) All consumers whose electrical installations comprise in the whole or in part, circuits exceeding 1 000 V rms or 1 500 V dc shall comply with the requirements of SANS 10142-2 where applicable.
- (2) The consumer shall bear the cost of the service connection, as approved by the municipality.
- (3) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the municipality, shall vest in the municipality, and the municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (4) The consumer shall not be entitled to any compensation from the municipality in respect of such service connection.
- (5) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the municipality.
- (6) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.
- (7) The consumer shall provide, fix and maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the municipality for the installation of the service connection.
- (8) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but for low voltage installations may not be less than 10 mm<sup>2</sup> (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the municipality.
- (9) Unless otherwise approved, the municipality shall only provide one service connection to each registered erf and in respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.
- (10) No electrical installation shall be permitted to extend from one erf to another without the prior consent of the municipality.
- (11) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.
- (12) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (13) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings; alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.
- (14) The municipality shall not be responsible for any reinstatement to the consumer's property as a result of any work done by it in connection with the external service.
- (15) The point at which overhead service connections are terminated shall be determined by the municipality.

### **47. Metering accommodation**

- (1) The consumer shall, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.

- (2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- (3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (4) Where sub metering equipment is installed, accommodation separate from the municipality's metering equipment shall be provided.
- (5) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (6) Where in the opinion of the municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (7) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (8) No apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved.
- (9) Where the metering equipment and service apparatus are to be fixed upon any portion of a partition wall, the consumer shall, if required by the municipality, at his own expense, satisfactorily reinforce that portion of such wall.
- (10) All meter rooms shall be secured by means of an approved padlock or night latch.
- (11) If a consumer defaults on any of the requirements contained in this section, the municipality shall give the consumer written notice of the matter requiring attention and also stipulate a fixed time period within which the consumer shall meet the requirements.
- (12) Should the consumer fail to comply with the stipulated requirements within the stated time period, the municipality shall have the right to disconnect the supply or to take other appropriate action and the consumer shall bear the cost of this action.

## **CHAPTER 4**

### **SYSTEMS OF SUPPLY**

#### **48. Load requirements**

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

#### **49. Load limitations**

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single phase supply of electricity, unless otherwise approved by the municipality.
- (2) Where a three phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the municipality.

## 50. Interference with other persons' electrical equipment

- (1) No person may operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.
- (4) In order to assess the contribution, whether singly or collectively, of any consumer to the combined interference experienced at any point of common coupling, the municipality reserves the right to have monitoring equipment installed on any consumer's electrical installation.

## 51. Supplies to motors

Unless otherwise approved by the municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors –  
The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (2) Maximum starting and accelerating currents of three-phase alternating current motors.  
The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm <sup>2</sup> , copper equivalent mm <sup>2</sup>	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

- (3) Consumers supplied at medium voltage –  
In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the municipality.

## 52. Power factor

- (1) If required by the municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his or her own cost, install such corrective devices.

### **53. Protection**

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

## **CHAPTER 5**

### **MEASUREMENT OF ELECTRICITY**

#### **54. Metering**

The provisions of all statutory standards that apply to metering of electricity supplies and the requirements of the municipality's Customer Care and Revenue Management by-law shall apply to the measurement of electricity consumption.

#### **55. Accuracy of metering**

The provisions of all statutory standards that apply to metering of electricity supplies and the requirements of the municipality's Customer Care and Revenue Management by-law shall apply to the accuracy of metering.

#### **56. Reading of credit meters**

The provisions of all statutory standards that apply to metering of electricity supplies and the requirements of the municipality's Customer Care and Revenue Management by-law shall apply to the reading of credit meters. Where automatic meter reading facilities are employed, the electricity consumption during any metering period will be automatically determined.

#### **57. Prepayment metering**

The provisions of all statutory standards that apply to metering of electricity supplies and the requirements of the municipality's Customer Care and Revenue Management by-law shall apply to prepayment metering.

## **CHAPTER 6**

### **GENERAL PROVISIONS**

#### **58. Electrical contractors – Additional requirements to those in the Electrical Installation Regulations**

In addition to the requirements of the Electrical Installation Regulations the following requirements shall apply:

- (1) Where an application for a new or increased supply of electricity has been made to the municipality, any duly authorized official of the municipality may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.

(2) The examination, test and inspection that may be carried out at the discretion of the municipality in no way relieves the electrical contractor or registered person or the user or lessor, as the case may be, from his responsibility for any defect in the installation.

(3) Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the municipality shall not be held responsible for any defect or fault in such electrical installation.

#### **59. Work done by of electrical contractors**

The municipality shall not be held responsible for the work done by the electrical contractor or registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

#### **60. Cost of repair of damage**

The municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law and the cost of any such work carried out by the municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

#### **61. Penalties**

(1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.

(2) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or she has been convicted of such offence shall be guilty of a continuing offence.

(3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine or additional imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

(4) The court convicting any person of a contravention of, or a failure to comply with any provision of this by-law may, in addition to any other penalty, impose a further penalty equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

(5) Every person committing a breach of the provisions of this by-law shall be liable to compensate the municipality for any loss or damage suffered or sustained by it in consequence of such breach.

#### **62. Presumptions**

In the event of any breach of this by-law being committed on any premises, the consumer shall be deemed to have committed such breach unless he or she proves the contrary on a balance of probabilities.

#### **63. Exemptions**

Notwithstanding the provisions of this by-law, the municipality may exempt any person and class of persons from any or all of the requirements of this by-law and in considering such exemption it may impose any other conditions or requirements it deems appropriate.

**64. Disputes**

(1) If at any time, any difference or questions arises between the municipality and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party there under, such difference or questions or matter or thing so subject to agreement or adjustment may be referred by the parties, without legal representation, to a mediator at a place and time determined by him.

(2) The mediator shall be selected by agreement between the parties.

(3) The mediator shall, within a reasonable period, express verbally or if agreed, in writing, an opinion on the matter.

(4) If either party be dissatisfied with, or unwilling to accept the opinion expressed by the mediator, then they may, within twenty eight (28) days after receiving notice of such opinion, require that the matter be determined by arbitration in such manner as may be agreed upon, and failing such, in terms of the provisions of the South African Arbitration Act, Act 42 of 1965, as amended.

**65. Repeal of by-laws**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

**66. Short title and commencement**

This by-law shall be known as the Electricity Supply By- Law and shall come into operation on the date of publication thereof in the Provincial Gazette.

## SCHEDULE 1

**Note:** The following is a list of standards, specifications, regulations and the like that applied at the time these by-laws were compiled. Additional standards, specifications, regulations and the like that affect the supply of electricity will be applied as and when they become legally binding.

**"applicable standard specification"** means

- SANS 1019 Standard voltages, currents and insulation levels for electricity supply
- SANS 1607 Electromechanical watt-hour meters,
- SANS 1524 Part 1 Electricity dispensing systems,
- SANS IEC 60211 Maximum demand indicators, Class 1.0,
- SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
- SANS 10142-1 Code of practice for the wiring of premises;
- SANS 10142-2 Code of practice for Medium Voltage Installations
- SANS 204 Energy Efficiency In Buildings
- NRS 047 National Rationalised Specification for the Electricity Supply Quality of Service
- NRS 048 National Rationalised Specification for the Electricity Supply Quality of Supply, and
- SANS 474:2006 / NRS 057 Code of practice for electricity metering

Laws and Regulations:

- Electricity Regulation Act (Act 4 of 2006) as amended and Regulations.
- Occupational Health and Safety Act (Act 85 of 1993) as amended and Regulations.

Guidelines and other policy documents:

- Council's Electricity and Energy Directorate's Policy on Electricity Load Reduction and Energy Efficiency.

By Laws:

- Revenue Management and Customer Care by-law.