

CAPE AGULHAS MUNICIPALITY
ELECTRICITY SUPPLY BY-LAWS

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CHAPTER 1 – GENERAL

1. DEFINITIONS

In this by-law, unless inconsistent with the context -

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

"Applicable standard specification" means the standard specifications as listed in Schedule 2 attached to this by-law;

"Authorized official" means an employee of the Municipality or any other person who is duly authorized thereto in writing by the Municipality to perform any act, function or duty in terms of, or exercise any power under this by-law;

"Certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"Consumer" in relation to premises means:

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

"Council" means a Municipal Council as defined hereunder in these Definitions;

"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 Regulations;

"Electrical installation" means an electrical installation as defined in the Regulations;

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

"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];

"The law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law, including, but not limited to, the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

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

"Meter" means a device which records the demand and/or the electrical energy consumed and includes conventional 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 means 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;

"Municipal Council" or **"Council"** means a Municipal Council referred to in section 157(1) of the Constitution and shall include the Cape Agulhas Council;

"Municipality" means the Cape Agulhas Municipality or any legal entity duly authorized by the Cape Agulhas Municipality to provide an electricity service within the jurisdiction of the Cape Agulhas Municipality;

"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 that person's 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 absent from the Republic of South Africa or such person's whereabouts are unknown;

"Owner" means:

- (a) a person in whom the legal title to a premises is vested;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in the case where Council is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises of a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to:
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, and without restricting the above, the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973, Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 or a voluntary association;
 - (ii) any Department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa; and
 - (iv) any Embassy or other foreign entity; and

(g) a lessee of municipal property who will be deemed to be the owner for the purposes of rendering a municipal account;

"Person" includes a legal person;

"Point of consumption" means a point of consumption as defined in the 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 or any duly authorized official of 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 or any duly authorized official of 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 flow of pre-purchased amounts of energy in an electrical circuit;

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

"Safety standard" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the 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;

"Standby supply" means an alternative electricity supply not normally used by the consumer;

"Supply mains" means any part of the Municipality's electricity network;

"Tariff" means the Municipality's tariff of charges for the supply of electricity, and "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 root-mean-square value of electrical potential between two conductors.

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 Act, 1987 (Act 41 of 1987), 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 2 – GENERAL CONDITIONS OF SUPPLY

4. PROVISION OF ELECTRICITY SERVICES

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

5. SUPPLY BY AGREEMENT

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provision of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement such person 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 an 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 supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

- 2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorized official of the Municipality, which may specify any special conditions to be satisfied in such case.

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 NRS 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 SERVITUDE**

- 1) Subject to the provision 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 either by arbitration or a court of law.
- 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 AND/OR DO MAINTENANCE WORK

- 1) The occupier of premises in a Municipality must give an authorized official of the Municipality access at all reasonable hours to or over the premises to:
 - (a) do anything which is authorized or which is required to be done by the Municipality under this by-law or any other law;
 - (b) inspect and examine any service mains and anything connected therewith;
 - (c) enquire into and investigate any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and to make any necessary survey in connection therewith;
 - (d) ascertain whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - (e) enforce compliance with the provisions of this by-law or any other law.
- 2) An employee of the Municipality authorized thereto by such Municipality may, by notice in writing served on the owner or occupier of any premises, require such owner or occupier to provide, on the date and at the time specified in such notice, access to such premises for any of the purposes referred to in sub-section (1).
- 3) The Municipality may gain access to or over any premises without serving the notice required in terms of sub-section (2) and after gaining access may take whatever action is, in its opinion, necessary:
 - (a) in consequence of the existence of a state of war;
 - (b) due to the occurrence of any calamity, emergency or disaster; or
 - (c) should the Municipality have reasonable suspicion that the provisions of the by-law or any other law are being contravened.
- 4) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), 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 by arbitration or court of law except where the Municipality is authorized to execute on the premises concerned any work at the cost of such person or some other person or to execute on such premises any work and recover the cost thereof from such person or some other person.

13. REFUSAL OR FAILURE TO GIVE INFORMATION

No person shall refuse or fail to give any information which may be reasonably required 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 shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the Municipality in the performance of such official's duty under this by-law or of any duty connected therewith or relating thereto.

15. IMPROPER USE

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. The fee as prescribed by the Municipality for the disconnection 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 charges and fees may be obtained at the office 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 by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. PAYMENT OF CHARGES

- 1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable from the Municipality.
- 2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, 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) A consumer's obligation to pay for electricity supplied shall not be relieved by -
 - (a) failure to render an account;
 - (b) an error or omission of any sort in an account; or
 - (c) application of the incorrect tariff, and
 - (d) in the case of (c), the onus shall be on the consumer to establish whether or not an account rendered is in accordance with the appropriate tariff scale.
- 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 such official 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 non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. INTEREST ON OVERDUE ACCOUNTS

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. PRINCIPLES FOR THE RESALE OF ELECTRICITY

- 1) Unless otherwise authorized by the Municipality, no person shall sell or supply electricity, supplied to such person's 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 sub meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality.
- 2) The tariffs, 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 SUPPLY

- 1) The Municipality has the right to disconnect the supply of electricity to any premises:
 - (a) without notice where -
 - (i) there is grave risk to person or property if the supply is not disconnected; or
 - (ii) there is evidence of tampering as envisaged in Section 26 of the by-law; or
 - (b) subject to 14 (fourteen) days written notice where -
 - (i) the person liable to do so fails to pay any charge due to the Municipality in connection with any supply of electricity which such person may have received from the Municipality in respect of such premises; or
 - (ii) any of the provisions of this by-law and/or the Regulations are being contravened and the person responsible has failed to remedy the default after such notice has been given, and
 - (iii) after any such disconnection, the fee as prescribed by the Municipality shall be paid.
- 2) In 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.
- 3) Where access to inspect metering equipment has been denied and where due notice was left with the consumer to provide access to the metering equipment has not been complied with.
- 4) Where, in the opinion of the Engineer, the electrical installation in any premises is not in accordance with the by-laws or the Code of Practice or where in his opinion there is any defect in such installation or substation or in any appliance used in or on such premises which is likely to cause injury to life or damage to property, he may, by notice, call upon the consumer to bring the installation, substation or appliance into conformity with the by-laws or wiring regulation or to remove the defect within the period specified in the notice. Upon the failure of the consumer to comply with such notice within the period specified, the Engineer shall have the right to disconnect the supply of electricity to such 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 the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality. The consumer shall have the right of appeal against any ruling by the Municipality in terms of this provision.

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

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. 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 by the Municipality 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.

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. In such cases where seals have been broken, the consumer will be liable for a tampering fee as prescribed in Section 16.

26. TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

- 1) No person shall 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 load control equipment or any other equipment of the Municipality.
- 2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- 3) Where a consumer and/or any person has contravened sub-section (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 the estimated consumption resulting from such contravention.

27. PROTECTION OF MUNICIPALITY'S SUPPLY MAINS

- 1) No person shall, 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.
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) 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. Should the owner fail to observe this provision the Municipality shall have the right, 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 shall be entitled to enter the property for this purpose.
- 2) 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.
 - 3) 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

If the Municipality decides that it is necessary to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service device or meter or metering equipment, 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 shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electricity 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, shall 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. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be 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 shall waive payment of the fee hereinbefore referred to.
- 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.

32. TEMPORARY SUPPLIES

It shall be a condition of the giving of any temporary supply of electricity, as described in section 8.(2) of 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

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. 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 consider 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, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. 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.
- 2) 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.
- 3) Notwithstanding the provisions of sub-section (2), the consumer or the owner, as the as may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).

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 or any duly authorized official of the Municipality, be paid for by the consumer.
- 2) All such equipment installed on the consumer's premises shall be compatible with the Municipality's electrical performance standards.
- 3) No person shall open, close, isolate, link, earth or otherwise operate high or medium voltage Municipal switchgear without giving reasonable prior notice to an authorized official of the Municipality.
- 4) In the case of a 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 Regulations, and any changes made to such appointments.
- 5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorized official of the Municipality.

36. SUBSTATION ACCOMMODATION

The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorized official of the Municipality, 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, transformer, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. 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.

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

37. WIRING DIAGRAM AND SPECIFICATION

- 1) When 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) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high or medium 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, of so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

38. STANDBY SUPPLY

No person shall be 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 Regulations or for the consumer's own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. 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. The consumer shall be responsible for providing, installing and maintaining all such protective equipment.

2) Where by special agreement with the Municipality, the consumer standby generating equipment 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 and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

3) Consumer's electricity generation equipment -

No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Cape Agulhas Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The electricity generation equipment shall be so designed and installed that it is impossible for Cape Agulhas Municipality supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.

4) Where by special agreement with Cape Agulhas Municipality, the consumer electricity generation equipment is permitted to be electrically coupled to and run in parallel with Cape Agulhas Municipality supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of Cape Agulhas Municipality. Under normal operating conditions, any export of surplus energy from the consumer's network to the Cape Agulhas Municipality's network shall be subject to special agreement with Cape Agulhas Municipality. In the event of a general failure on the service provider's network protection equipment shall be installed by the consumer, subject to Cape Agulhas Municipality's approval, so as to ensure that the consumer's installation is isolated from Cape Agulhas Municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

40. CIRCULAR LETTERS

1) The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

2) Technical Standards -

Cape Agulhas Municipality may from time to time issue Technical Standards detailing the requirements of the Service Provider regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 – RESPONSIBILITIES OF CONSUMERS

41. CONSUMER TO ERECT AND MAINTAIN ELECTRICAL INSTALLATION

Every consumer shall maintain the electrical installation, sub stations and all appliances on the premises owned or occupied by him in good order and repair and shall be responsible for the safekeeping of all meters, service fuses, service mains and other electrical apparatus and fittings belonging to the Council which are placed or installed in his premises. The consumer shall be responsible for any loss of or damage to any apparatus and fittings belonging to the Council which directly or indirectly results from a failure on his part to exercise all reasonable care in safeguarding the same, or is caused by any willful or negligent act or omission of the consumer or of his employee or agent or any person who is upon the said premises with the consent, tacit or otherwise, of the consumer, or given on his behalf and the consumer shall pay to the Council on demand the cost of making good or of repairing any such loss or damage as ascertained and certifies by the Engineer.

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 disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take 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.
- 3) In cases where the premises have been vacated for a period exceeding six months or where damage to metering equipment and associated hard wiring has been ascertained, it will be a requirement that the owner of the premises produces a valid electrical certificate of compliance.

43. DISCONTINUANCE OF USE OF SUPPLY

A consumer wishing to discontinue using the electricity supply shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which such consumer shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

44. CHANGE OF OCCUPIER

- 1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of intention to discontinue using the electricity supply, failing which such consumer shall remain liable for such supply.

- 2) If the person taking over occupation of the premises desires to continue using the electricity supply, such person shall make application in accordance with the provisions of section 5 of this by-law, and if application for an electricity supply is not made within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and such person shall be liable to the Municipality for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- 3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, such person 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 and/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.

CHAPTER 4 – SPECIFIC CONDITIONS OF SUPPLY

46. SERVICE CONNECTION

- 1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- 2) 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. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- 3) 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 or any duly authorized official of the Municipality.

- 4) 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.
- 5) The consumer shall provide, fix and/or maintain on such consumer's 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.
- 6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10mm² (copper or copper equivalent) and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorized official of the Municipality.
- 7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. 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.
- 8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- 9) Within the meter box, 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.
- 10) 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.

47. **METERING ACCOMMODATION**

- 1) The consumer shall, if required by the Municipality or any duly authorized official of 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. 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. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- 2) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- 3) 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.

- 4) 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 cause 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.
- 5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5 – SYSTEMS OF SUPPLY

48. LOAD REQUIREMENTS

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in 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 or any duly authorized official of 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 15 kVA, unless otherwise approved by the Municipality or any duly authorized official of 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 shall 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 the consumer's own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. SUPPLIES TO MOTORS

Unless otherwise approved by the Municipality or any duly authorized official of 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:

Rated capacity of service connection (kVA)	Permitted starting current (A)	Maximum starting current (A)		
		Three phase (A)	Single phase (A)	Single phase (A)
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
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 sub-section (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 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 6 – MEASUREMENT OF ELECTRICITY

54. METERING

- 1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- 2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2) of this by-law, in which case the consumption for the period shall be estimated.
- 3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- 4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- 5) No alterations, repairs or additions or electrical connection of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorized official of the Municipality.

55. ACCURACY OF METERING

- 1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- 2) The Municipality shall have the right to test its metering equipment and associated electrical hard wiring. If it is established by test or otherwise that such metering equipment is defective or that the associated hard wiring has been tampered with in such a way to prevent the metering equipment from recording accurately, the Municipality shall
 - (i) in the case of a credit meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering or (b) issue a free token where the meter has been over-registering;
 - (iii) in accordance with the provisions of sub-section (6).
- 3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-section (2) and (6) shall be made and the aforesaid fee shall be refunded.
- 4) In case of a dispute, the consumer shall have the right at such consumer's own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

- 5) Where any meter is found to have ceased to register or to have registered inaccurately to an extent of more than two and a half percent the quantity of electricity to be paid for by the consumer from the date of reading of the meter prior to its failure to register or becoming faulty up to the time of its repair or replacement shall, unless the consumer is able to establish to the satisfaction of the Municipality that a lesser or greater quantity of electricity was in fact consumed, be estimated by the Municipality on the basis of:
 - (a) the average monthly consumption of electricity upon the premises served by the meter during the period of up to twelve months prior to the last registration, or the date on which it ceased to register accurately or, if this is not possible;
 - (b) the quantity of electricity consumed upon such premises during the corresponding month or months of the previous year or, if this also is not possible;
 - (c) the average monthly consumption upon the premises served by the meter over a period of twelve months after its repair, where consumption is measured using a credit meter or on the average consumption of similar consumers within the same area, where supply is via an electricity dispenser.
- 6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- 7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. Any such adjustment shall be free of interest as indicated in section 56(5). The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- 8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- 9)
 - (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality shall -
 - (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why the account should not be adjusted as notified.
 - (b) Should the consumer fail to make any representations during the period referred to in sub-section (9)(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
 - (c) The Municipality shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case been made out therefor, adjust the account appropriately.

- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

56. **READING OF CREDIT METERS**

- 1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- 2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- 3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- 4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- 5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered, shall be based on the actual tariffs applicable during the period and shall be free of interest up to the date on which the correction is found to be necessary. The application of the section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

57. **PREPAYMENT METERING**

- 1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- 2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- 3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- 4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with or the incorrect use or the abuse of, prepayment meters and/or tokens.
- 5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against the consumer in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.

- 6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7

58. ELECTRICAL CONTRACTORS

In addition to the requirements of the 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 such official's discretion accept notification of the completion of any part of an electrical installation, the circuit arrangement 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 any duly authorized official 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 or any duly authorized official of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor as the case may be, from responsibility for any defect in the installation. 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. CONTRACTOR LIABILITY

The Municipality shall not be held responsible for the work done by the electrical contractor/accredited 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.

CHAPTER 8

60. COST OF WORK

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. 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.

CHAPTER 9

61. PENALTIES

- 1) Any person who contravenes or fails to comply with any of the provisions 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 such person to cease committing such offence or after such person 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 not exceeding ten thousand rand or imprisonment for a period not exceeding six months or a combination of the aforementioned, and in the case of a continuing offence, for each day on which such offence is continued, to an additional fine not exceeding two hundred rand per day or additional imprisonment for a period not exceeding ten days for each day on which such offence is continued or a combination thereof.

Such fines may be increased from time to time by resolution of the Cape Agulhas Council.

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

CHAPTER 10

62. PROHIBITED ACTS

Any person without legal right (the proof of which shall be upon him) abstracts, branches off or diverts or causes to be abstracted, branched off or diverted any electric current, or consumes or uses any such current which has been wrongfully or unlawfully abstracted, branched off or diverted knowing it to have been wrongfully or unlawfully abstracted, branched off or diverted shall be guilty of an offence of tampering with the Municipality's electrical network and a tampering fee (per offence) and, as prescribed in Chapter 2(16) may be imposed on the illegal user or occupier of the premises which wrongfully and unlawfully abstracted, branched off or diverted electric current.

CHAPTER 11

63. ENFORCEMENT OF BY-LAW

This by-law shall be monitored and enforced by the Cape Agulhas Municipality Electricity Department who will ensure corrective action is taken. Any ensuing fines will be implemented by the Finance Department.

APPLICABLE STANDARD SPECIFICATIONS

"applicable standard specification" means

- SANS 1019: Standard voltages, currents and insulation levels for electricity supply;
- SANS 1607: Electromechanical watt-hour meters;
- SANS 1524: Electricity dispensing systems;
- SANS IEC 60211: Maximum demand indicators, Class 1.0;
- SANS IEC 60521: Alternating-current electromechanical watt-hour meters (Classes 0.5, 1 & 2);
- SANS 10142-1: Code of practice for the wiring of premises;
- NRS 047: National Rationalized Specification: Electricity Supply - Quality of Service;
- NRS 048: National Rationalized Specification: Electricity Supply - Quality of Supply; and
- NRS 057: National Rationalized Specification: Electricity Metering.