

THEEWATERSKLOOF MUNICIPALITY

ELECTRICITY SUPPLY BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Municipal Council of the Theewaterskloof Municipality hereby enacts as follows:

PREAMBLE

The purpose of this by-law is to regulate the distribution and supply of electricity in the area of jurisdiction of the Theewaterskloof Municipality, and to provide for matters incidental thereto.

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1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise -

"accredited person", means a person registered in terms of the Occupational Health and Safety 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 -

- (a) SANS 1019:2008 - Standard voltage-, currents- and insulation levels for electricity supply, or any revision or substitution thereof;
- (b) SANS 1607 – Electro-mechanical watt-hour meters, or any revision or substitution thereof;
- (c) SANS 1524 Parts 1 & 2 - Electricity dispensing systems, or any revision or substitution thereof;
- (d) SANS IEC 60211 - Maximum demand indicators, Class1.0, or any revision or substitution thereof;
- (e) SANS IEC 60521 - Alternating current electro-mechanical watt-hour meter (Classes 0.5, 1 & 2), or any revision or substitution thereof;
- (f) SANS 0142:2009 - Code of practice for the wiring of premises, or any revision or substitution thereof;
- (g) NRS 047 - National rationalized specification for electricity supply: Quality of Service, or any revision or substitution thereof;
- (h) NRS 048 - National rationalized specification for electricity supply: Quality of Supply, or any revision or substitution thereof; and
- (i) NRS 057 - Electricity metering: Minimum requirements, or any revision or substitution thereof;

"authorized official", means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Theewaterskloof Municipality, who is authorized by the Theewaterskloof Municipality to enforce the provisions of this by-law;

“authorized electrical official”, means a competent person in the Electricity Department of the Theewaterskloof Municipality, who is authorized in terms of statutory stipulations to carry out switching on MV systems;

"certificate of compliance", means a compliance certificate issued in terms of the Occupational Health and Safety Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“credit meter”, means a meter which measure the consumption of a service, which service per arrangement is based on the principle of use a service now and pay for it later;

“customer”, means a person or organisation or institution, with whom the Theewaterskloof Municipality has concluded an agreement for the provision of a municipal service as provided for in the Credit Control and Debt Collection By-Law of the Theewaterskloof Municipality, which includes in relation to premises -

- (a) any occupant of a premises or any other person with whom the Theewaterskloof Municipality has contracted to supply or generate electricity; or
- (b) when such a premises is not occupied, any person who currently has a valid agreement with the Theewaterskloof Municipality for the supply or generation of electricity to such a premises; or
- (c) when there is no such person or occupant, the owner of a premise;

“effective date”, means the date on which the responsibility for the delivery of an electricity service is transferred to the Theewaterskloof Municipality;

"electrical contractor", means an electrical contractor as defined in the Occupational Health and Safety Regulations;

"electrical installation", means an electrical installation as defined in the Occupational Health and Safety Regulations;

“Electricity Regulation Act” means the Electricity Regulation Act, 2006 (Act No 4 of 2006), as amended;

“generation of electricity”, means the process of generating electrical power from any source of primary energy;

“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 kVU_n to 220 kV, as contemplated in SANS 1019:2008, or any revision or substitution thereof;

“leakage currents”, measured in micro amperes, means the leakage of electric current from an electricity installation, as a result of -

- (a) the gradual loss of energy from a charged capacitor, caused by the switched-off electronic devices still attached to such a loaded capacitor, which conduct a small amount of current flow, even when the system is turned off;

- (b) dielectric leakage caused by dielectric material, being an imperfect insulator with some non-zero conductivity, when used in capacitors allow leakage currents to flow from capacitors;
- (c) current leaking from an electrical circuit, flowing through an alternate path;
- (d) an unwanted transfer of energy from one electric circuit to another;
- (e) current flowing in the electric circuits of electronic assemblies on standby;
- (f) a quantum phenomenon, where mobile charge carriers “tunnel” through an insulation; and
- (g) leakage from inside transistors and interconnects;

“**low voltage**”, means the set of nominal voltage levels that are used for the alternating current distribution of electricity, and whose upper limit is generally accepted to be an voltage of one thousand (1000) volt for alternating current, or a direct current voltage of one thousand five hundred (1500) volt, as contemplated in SANS 1019:2008, or any revision or substitution thereof;

“**medium voltage**”, means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n$ to 44 kV, as stated in SANS 1019:2008, or any revision or substitution thereof;

“**meter**”, means a device which records the demand and / or the electrical energy consumed, and includes, but is not limited to, conventional meters, prepayment meters, net meters and smart meters;

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

“**motor rating**”, means the maximum continuous kilowatt (kW) output of an electric motor as stated on the maker's rating plate;

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

“**Municipal Systems Act**”, means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**Municipality**”, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

“**net metering**”, means measuring the difference between the electricity supplied by the Theewaterskloof Municipality and the electricity generated by a customer over an applicable billing period;

“**occupant**”, means a person who occupies and control land or a premises, and includes a resident, and “**occupier**” has a corresponding meaning;

“owner”, means with regard to immovable property, the registered owner of a property, who can be either a natural or juristic person, and includes the occupant, lessee, holder of a servitude right, holder of a land tenure right, holder of a letter of occupation, holder of a letter of land rights, trustee, executor, curator or appointed agent or administrator of a property;

“point of consumption”, means a “point of consumption”, as defined in the Occupational Health and Safety Regulations;

“point of metering”, means the point at which the consumption of electricity by a customer is measured, and which may be at the point of supply, or at any other point on the distribution system of the Theewaterskloof Municipality, or on the electrical installation of the customer, or any other position as specified by the Theewaterskloof Municipality, provided that the total consumption of electricity by such customer shall be metered;

“point of supply”, means the point determined by the Theewaterskloof Municipality at which electricity is supplied to any premises;

“premises” means any portion of land, situated within the area of jurisdiction of the Theewaterskloof Municipality, of which the outer boundaries are demarcated on a general plan or diagram or sectional title plan registered in accordance with applicable legislation;

“pre-payment meter”, means a measuring device, that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit through the measuring device in proportion to the amount pre-paid by the consumer;

“property” means –

- (a) immovable property registered in the name of a person, including in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against a property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; and
- (d) public service infrastructure;

“Regulations”, means the Occupational Health and Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

“retail wheeling of electricity”, means the process of moving electricity generated by a third party, from the point of generation by the third party across distribution systems of transmission lines to a customer, including the transmission lines of the Theewaterskloof Municipality;

“safety standard”, means the Code of Practice for the Wiring of Premises SANS 10142-1, or any revision or substitution thereof, as incorporated in the Occupational Health and Safety Regulations;

“**SANS**”, means a South African National Standard;

"**service connection**", means all the electrical cables and equipment required to connect the municipal supply system, to an electrical installation of a customer, at the identified point of supply;

“**service protective device**”, means any fuse or circuit breaker installed for the purpose of protecting municipal equipment from overloads or faults occurring on the electrical installation or on an internal service connection;

“**smart meter**”, means an electricity meter that has several functions and allows for the measurement of energy consumed on a time interval basis;

“**South African Bureau of Standards**”, means the South African Bureau of Standards, as established in terms of section 2 of the Standards Act, 2008 (Act 8 of 2008), as amended;

"**standby electricity supply**", means an alternative electricity supply not normally used by a customer, but available for use by a consumer;

“**supply system**”, means any part of the municipal electricity network;

"**tariff**" means the tariff for the supply of electricity and the applicable sundry fees for electricity, as determined annually in terms of the Tariff By-law of the Theewaterskloof Municipality;

“**temporary supply**”, means the electricity supply required by a customer for a specific period, in terms of conditions negotiated in a temporary supply agreement;

"**token**", means the element of a pre-payment metering system, used to transfer information from a point of sale for electricity credit to a pre-payment meter; and

"**voltage**", means the root-mean-square value of electrical potential between two conductors.

- (2) All other terms or definitions used in this by-law shall, unless the context indicates otherwise, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act No 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act No 85 of 1993), as amended.

CHAPTER 1: GENERAL CONDITIONS OF SUPPLY

2. PROVISION OF ELETRICITY SERVICES

- (1) Only the Municipality may supply or contract for the supply of bulk electricity, within the area of distribution jurisdiction of the Municipality.

- (2) The Municipality may permit the bulk supply or retail wheeling of electricity through the municipal electrical network, by another electricity supplier licensed to supply electricity in terms of the Electricity Regulation Act.
- (3) Permissions in terms of subsection 2(2) of this by-law, shall be governed by a service delivery agreement, as contemplated in section 80 of the Municipal Systems Act.
- (4) The Municipality may permit the co-generation of electrical power by the customers of the Municipality, subject to -
 - (a) a generation agreement being entered into between such generators of electrical power and the Municipality;
 - (b) compliance with all the relevant statutory requirements pertaining to the generation of electrical power and the safety regulations therefore;
 - (c) registration at the Municipality of all fixed installations where electrical power shall be generated; and
 - (d) compliance with the safety and the quality requirements determined by the Municipality, prior to allowance of the generated electrical power into the municipal electrical networks.
- (5) The surplus generation of electrical power may be regulated, and the Municipality may determine conditions for such surplus generation pertaining to timing and quantity.

3. SUPPLY AND GENERATION OF ELECTRICITY PER AGREEMENT

- (1) No person may use an electricity supply from the Municipality, unless or until such person has entered into an agreement in writing with the Municipality, in accordance with the Guidelines for Embedded Generations and the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality for such supply of electricity, and such agreements together with the provisions of this by-law shall regulate such supply of electricity.
- (2) When a person uses an electricity supply, without entering into an agreement with the Municipality, as contemplated in subsection 3(1) of this by-law, he or she shall be liable for the cost of all electricity used, as stated in section 42 of this by-law.
- (3) No person may generate electricity by way of a fixed installation and feed the generated electrical power into a municipal electricity network, unless an agreement has been concluded with the Municipality in accordance with the Guidelines for Embedded Generations and the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality for such electrical power generation, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of electrical power generators, shall regulate such generation of electricity.

4. SERVING OF NOTICES AND OTHER DOCUMENTATION

- (1) The Municipality may by written notice, instruct the owner or occupant of a premises, a customer or any other person, who by action or omission, failed to comply with the provisions of this by-law or to fulfil any condition imposed by the provisions of the by-law, to rectify his or her failure within a reasonable period specified in the notice concerned.
- (2) Any notice instruction, letter of demand or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively 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 of South Africa with a person apparently older than 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 of South Africa and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa in the manner provided by paragraphs 4(1)(a), 4(1)(b) or 4(1)(c) of this by-law;
 - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises, to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) 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 office of the Municipal Manager.
- (5) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued, when a duly delegated official of the Municipality has signed it.

- (6) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

5. COMPLIANCE TO NOTICES

Any person to whom a notice has been duly served in terms of this by-law, shall within the time specified in such notice, comply with the terms and conditions of such notice.

6. APPLICATIONS FOR THE SUPPLY OR GENERATION OF ELECTRICITY

- (1) Applications for the supply or generation of electricity shall be made in writing by the prospective customer in the prescribed format, and the estimated demand for electricity or the generation capacity of the installation concerned, expressed as kilovolt-ampere shall be stated in such application.
- (2) The application contemplated in subsection 6(1) of this by-law for the supply or generation of electricity shall be made as early as possible, to enable the Municipality to carry out the construction work required for installations, within the time periods stipulated in the NRS 047-1 document, or any revision or substitution thereof.
- (3) When an application for the supply or generation of electricity has to be submitted, the following documents shall be submitted with the application –
- (a) proof of the identity of the applicant, or in the case of a business or an enterprise, a letter of resolution authorizing the person concerned to submit an application on behalf of the business or enterprise; and
 - (b) a valid lease agreement in the case of a tenant of a premises, or in the case of an owner of a premises, proof of ownership of the premises for which an electricity supply or a generation agreement of electrical power is required, and the Municipality may with regard to the supply or generation of electricity, decide to only contract with the owner of a premises and not a lessee.
- (4) An application for a temporary supply of electricity shall be considered at the discretion of the Municipality, which may specify any special conditions which shall be complied with.

7. PROCESSING OF APPLICATIONS FOR THE SUPPLY OR GENERATION OF ELECTRICITY

Applications for the supply or generation of electricity shall be processed by the Municipality in accordance with the standard operating procedures therefore, and the supply of electricity shall be made available within the periods stipulated in the NRS 047 document, or any revision or substitution thereof.

8. WAY LEAVES

- (1) The Municipality may refuse to supply or construct an electrical service connection, above or below ground level on any thoroughfare not vested in the Municipality, or on any private property, unless and until the prospective customer has obtained written permission from the property owner or title holder of the thoroughfare, authorizing the installation or the construction of an electrical service connection thereon or there over.
- (2) A way leave granted in terms of sub section 8(1) of this by-law shall be binding on the owner of a property who granted the way leave, and on all successors in title of the property concerned, for as long as the electricity connection is operative, and such way leave may not be withdrawn without concurrence of the Municipality.

9. STATUTORY SERVITUTES

- (1) Subject to the provisions of subsection 9(3) and subsection 10(1) of this by-law, the Municipality may within area of jurisdiction of the Municipality -
 - (a) regulate, control, provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and dismantle electricity supply systems;
 - (c) construct, erect or install any electricity supply systems on, across, over or under any street or immovable property, and the ownership of any such system shall vest in the Municipality;
 - (d) implement any other action necessary, desirable for, incidental, supplementary or ancillary to any matter contemplated in subsections 9(1)(a) to (c) of this by-law.
- (2) When the Municipality constructs, erects or installs any electricity supply system on, across, over or under any street or immovable property not owned by the Municipality or under the control or management of the Municipality, the Municipality shall pay to the owner of such street or property, compensation in an amount agreed upon, or in the absence of any 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 system on immovable property not owned by the Municipality, or under the control or management of the Municipality, give the owner or the occupant of such property written notice of the proposed work and the date on which such work shall commence.

10. RIGHT OF ACCESS TO PREMISES

- (1) The Municipality shall, by means of authorized officials and service providers, have access to or over any property for the purposes of -
 - (a) implementing the provisions of this by-law or any other statutory stipulation;
 - (b) inspecting and examining any electrical service systems and anything connected therewith;
 - (c) enquiries, surveys and investigations into the suitability of immovable property for future electrical installations and other electrical work;
 - (d) ascertaining whether there has been contraventions of the provisions of this by-law, or any other statutory stipulation; and
 - (e) enforcing compliance with the provisions of this by-law or any other statutory stipulation.
- (2) The Municipality may pay compensation, as and when applicable, as agreed upon between the affected parties, to any person suffering damage as a result of the exercise of the rights of access, as contemplated in subsection 10(1) of this by-law.
- (3) Subsection 10(2) of this by-law shall not be applicable, where the Municipality is authorized to execute work at the cost of a customer or another person.
- (4) In the absence of an agreement between the affected parties, compensation may be determined by arbitration or a court of law.
- (5) An authorized official may, by written notification, require from an owner or an occupant of a premise, to provide access to such property for any purpose referred to in subsection 10(1) of this by-law.
- (6) In case of emergency the Municipality may enter any premises or property without prior notice, and may take whatever action is necessary or desirable to protect life or property.
- (7) Authorized officials and service providers of the Municipality who intend to enter private property, shall on request provide their identification.

11. REFUSAL OR FAILURE TO PROVIDE INFORMATION

- (1) No person may refuse or fail to give such information as may be reasonably required of him or her by any authorized official of the Municipality, or render any false information to any such authorized official regarding any electrical installation work contemplated or completed.

- (2) The Municipality may not, subject to the provisions of any other statutory stipulation, make any information available concerning the electricity supply to, or account details of any customer to any third party, without the written concurrence of such customer.

12. INSPECTIONS AND THE RIGHT OF ACCESS

- (1) No person may deliberately hinder, obstruct or refuse admittance to any authorized official of the Municipality in the performance of his or her duties under this by-law or any other relevant statutory stipulation.
- (2) An authorized official of the Municipality may, by written notice served on the owner or the occupant of any premises, require the owner or the occupant of the premises concerned to provide at any reasonable date or time, access to the involved premises to an authorized official, for purpose of inspection of such premises.
- (3) An authorised official of the Municipality may at all reasonable times enter any premises or any portion thereof, with the aim of carrying out any inspection or test to determine the current status or use of electricity services installations, or for any purpose connected with the implementation or enforcement of this by-law.

13. IMPROPER USE OF ELECTRICITY

- (1) When a customer uses electricity in such a manner, which the Municipality has reasonable grounds to believe interferes in an improper or an unsafe manner, or is planned to interfere in an improper or an unsafe manner, with the efficient supply of electricity to other customers, the Municipality may with or without notice disconnect the electricity supply to such a customer, provided that such supply shall be restored as soon as the cause for the improper use of electricity has been remedied or removed, and the prescribed fees, tariffs and penalties, as applicable, have been paid.
- (2) The fees, tariffs and penalties as prescribed by the Municipality in terms of the Tariff By-law for the Theewaterskloof Municipality, for the disconnection and re-connection of electricity supply, shall be paid by the customer before the electricity supply is restored to such customer, unless it can be proved that such customer did not misused electricity in any way.

14. ELECTRICITY TARIFFS

Copies of electricity tariffs as annually determined in terms of the Tariff By-law of the Theewaterskloof Municipality, may be obtained at the offices of the Municipality.

15. DEPOSITS

- (1) The Municipality may in terms of the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality, require from a customer to deposit a sum of money as security in payment of any fee or tariff for electricity, which is due or may become due to the Municipality.
- (2) The amount of the deposit in respect of each electricity installation shall be determined annually by the Municipality in terms of the Tariff Policy of the Municipality.

16. PAYMENT OF FEES AND TARIFFS

A customer shall be liable for all fees and tariffs for electricity services, as annually determined in terms of the Tariff By-law of the Theewaterskloof Municipality, and all amounts in arrears in for electricity supplied, shall be recovered in terms of the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality.

17. INTEREST PAYABLE ON ACCOUNTS IN ARREAR

The Municipality may charge interest on accounts which are not paid by the due date in terms of the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality.

18. PRINCIPLES FOR THE RESALE OF ELECTRICITY

- (1) Unless authorized in writing by the Municipality, no person may sell electricity supplied to his or her premises, or electricity generated by him or her under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit such resale of electricity or allow such supply of generated electricity to other premises to take place.
- (2) The resale of electricity shall always comply with the licensing and registration requirements set out in the Electricity Regulation Act.
- (3) When 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 certified by the South African Bureau of Standards and which has been supplied, installed and programmed in accordance with the standards of the Municipality.
- (4) The fees and tariffs, and the conditions of sale, in terms of which electricity is resold, shall not be less favourable to the purchaser of such electricity, than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.
- (5) When electricity is resold, the purchaser shall be furnished with monthly accounts by the seller, which contains the similar billing information provided by the Municipality to electricity users of the Municipality.

- (6) The Municipality may request audited reports from resellers of electricity, to prove that the conditions for the resale of electricity, as contemplated in subsections 18(2) to 18(5) of this by-law have been met, and the costs to obtain such audited reports shall be the responsibility of the reseller.

19. THE RIGHT TO DISCONNECT OR REMOVE THE ELECTRICITY SUPPLY TO PREMISES

- (1) The Municipality has a right to restrict or disconnect the supply of electricity in accordance with the Credit Control and Debt Collection Policy of the Municipality, to any premises -
- (a) without notice, when there is -
 - (i) a grave danger to persons or property; or
 - (ii) evidence of tampering with a supply system; and
 - (b) by written notice, when -
 - (i) a customer fails to pay any amounts owed to the Municipality in connection with electricity supply or any other municipal service;
 - (ii) any provision of this by-law has been contravened and the customer has failed to remedy the default after proper notice has been served on him or her; or
 - (iii) access to inspect metering equipment has been denied.
- (2) When subsection 18(1) of this by-law, with regard to the resale of electricity has been contravened, the Municipality may limit the supply of electricity to a premise from which electricity is illegally supplied or resold, to twenty (20) ampere.
- (3) After disconnection for the non-payment of accounts or the improper or unsafe use of electricity, the fees and tariff as prescribed by the Municipality, shall be paid for the re-connection of such electricity supply.
- (4) When an electrical installation has been illegally re-connected on a customer's premises, after having been lawfully disconnected by the Municipality, or when the electrical equipment of the Municipality has been tampered with to prevent the correct registration of electricity consumption by a meter, the Municipality may remove the electricity supply from such premises in total.

20. LIABILITY OF THE MUNICIPALITY

The Municipality shall not be liable for any loss or damage, directly or consequently suffered or sustained by a customer, as a result of or arising from the cessation, the interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

21. LEAKAGE OF ELECTRICITY

No rebate shall be allowed on an account for electricity supplied and metered, in respect of electricity used as a result of electrical leakage or any other fault in an electrical installation of a customer.

22. FAILURE OF THE SUPPLY OF ELECTRICITY

- (1) The Municipality shall not attend to a failure of supply of electricity, as a result of a fault in the electrical installation of a customer, except when such failure is a result of the functioning of the service protective device or any other devices of the Municipality.
- (2) When any failure of supply of electricity is found to be a result of a fault in the electrical installation of a customer, or a result of the faulty operation of an electrical apparatus used in connection therewith, the Municipality may charge the customer concerned the applicable fees and tariffs for re-connection of the supply of electricity, in addition to the cost of repairing any damage which may have been caused to the electricity service system and electricity meters by such fault or faulty functioning of the apparatus concerned.

23. MUNICIPAL SEALS

- (1) All electricity meters, load control appurtenances or service protective appurtenances, and all other electrical apparatus belonging to the Municipality, shall be sealed or locked by an authorized official of the Municipality, and no unauthorized person may in any manner or for any reason remove or break or tamper or interfere with such seals or locks.
- (2) The Municipality may recover the costs involved for the replacement of a seal or a lock from the person involved, should such seal or lock be broken or be removed by a customer.

24. TAMPERING WITH SERVICE CONNECTIONS OR ILLEGAL CONNECTIONS TO THE ELECTRICAL SUPPLY SYSTEM

- (1) No person may in any manner or for any reason whatsoever, tamper, interfere with, vandalize, affix advertising material to or deface any meter or metering equipment or service connection or service protective device or a municipal electricity supply system, or any other electrical equipment of the Municipality.
- (2) No person may in any manner or for any reason whatsoever illegally connect onto the electrical installation of any other customer of the Municipality.
- (3) Where *prima facie* evidence exists that a customer or any person have contravened subsection 24(1) of this by-law, the Municipality may levy any penalties or fees and tariffs provided for in terms of the Tariff By-law of the Theewaterskloof Municipality, and may recover any costs incurred as a result

of the replacement of a damaged meter, or may disconnect the supply of electricity immediately without prior notice to the customer, and in addition may institute legal action and lay criminal charges against the customer concerned.

- (4) Where a customer or any person has contravened subsection 24(1) of this by-law, and such contravention has resulted in a meter recording less than the actual consumption, the Municipality shall have the right to recover from such customer the full cost of the estimated consumption.

25. PROTECTION OF THE MUNICIPAL ELECTRICAL SUPPLY SYSTEM

- (1) No person may, except with the consent of the Municipality, and subject to such conditions as may be imposed by the Municipality –
- (a) construct, erect or install, or permit the construction or erection or installation of any building, structure or any other object, or the planting of trees or other vegetation over, under or in such a position or in such a manner, that it may interfere with or endanger an electricity supply system;
 - (b) excavate, disturb, open up or remove the soil above, next to, under or near any part of an electricity supply system;
 - (c) damage, endanger, remove or destroy, or do anything likely to damage, endanger or destroy any part of an electricity supply system; or
 - (d) make any unauthorized connection to any part of the electricity supply system or divert or cause any electricity supply to be diverted.
- (2) The owner or the occupant of a premises shall limit the height of trees or other vegetation or the length of projecting branches of trees or other vegetation in the proximity of overhead electricity lines, or provide a means of protection against the branches of such trees or vegetation touching electricity lines, which in the opinion of the Municipality shall adequately prevent trees or vegetation from interfering with the electrical conductors of an electricity supply system.
- (3) When the owner or the occupant of a premises, fails to observe the provisions of subsection 25(2) of this by-law, the Municipality may by means of written notification to such owner or occupant of a premises, order the owner or the occupant to trim or remove the trees or other vegetation concerned, as to comply with the provisions of subsection 25(2) of this by-law, or in any emergency trim or remove such trees or vegetation themselves.
- (4) The Municipality may subject to obtaining an order of court, demolish, remove, alter or otherwise deal with any building, structure or any other object constructed, erected or installed, or tree or vegetation planted in

contravention of the provisions of this by-law, which inhibits or damage an electrical installation or a municipal electricity supply system.

- (5) The Municipality may in the case of an emergency or a disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of an electricity supply system.

26. PREVENTION OF TAMPERING WITH SERVICE CONNECTIONS

When the Municipality finds it necessary or desirable to implement special precautionary measures in order to prevent tampering with any portion of an electricity supply system, service connections, service protective devices, electricity meters or metering equipment, the Municipality may require from a customer to either supply or install the necessary protection equipment or pay the costs involved where such protection equipment is supplied and installed by the Municipality.

27. UNAUTHORIZED CONNECTIONS

No unauthorized person may directly or indirectly connect, attempt to connect or cause or permit any electrical installation to be connected to an electricity supply system or any electrical service connection.

28. UNAUTHORIZED RE-CONNECTIONS

- (1) No unauthorized person may re-connect, attempt to re-connect or cause or permit any re-connection to an electricity supply system or the electricity service connection of any electrical installation, which has been disconnected by the Municipality.
- (2) When the supply of electricity to a premise that has been disconnected, is re-connected without authorization, the customer using such supply of electricity shall be liable for all fees and tariffs for the electricity consumed between the date of disconnection and the date the electricity supply was found to be re-connected, as well as any other costs incurred or penalties payable in this regard.
- (3) The Municipality has the right to remove any part of or all the electricity supply equipment on a premise, until such time as the payment contemplated in subsection 28(2) of this by-law, has been received in full, and the customer shall be responsible for all the costs associated with the re-installation of such electricity supply equipment.

29. TEMPORARY DISCONNECTION AND RE-CONNECTION OF THE ELECTRICITY SUPPLY

- (1) The Municipality shall at the request of a customer temporarily disconnect and / or re-connect the supply of electricity to the customer's electrical installation, upon payment of the prescribed fees and tariffs for such disconnection and subsequent re-connection.

- (2) In the event that the Municipality has to implement a temporary disconnection and re-connection of the supply of electricity to a customer's electrical installation for maintenance or emergency repairs, the payment of any fee or tariff shall not be applicable.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, and then only for emergency repairs or the urgent testing of electrical connections.

30. TEMPORARY ELECTRICITY SUPPLY

- (1) When any temporary supply of electricity supply is found to interfere with the efficient and economical supply of electricity to other customers, the Municipality may with proper written notification, or under emergency circumstances without any prior notice, terminate such temporary electricity supply to a client and the Municipality shall not be liable for any loss or damage suffered by such a customer because of the termination.
- (2) A temporary electricity supply shall be allowed and be valid for a period of twelve (12) months, after which a new application for a temporary electricity supply shall be submitted for continued use.
- (3) The Municipality may disconnect a temporary electricity supply, when the conditions for such supply have not been complied with.

31. TEMPORARY INSTALLATION WORK

- (1) Temporary electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to an electricity supply system, except with the permission of the Municipality.
- (2) Complete information as to the reasons for and the nature of work for which a temporary installation is required, shall accompany the application and the Municipality may refuse or grant permission.
- (3) Where permission is refused, the applicant shall be informed of the reasons for the decision.

32. LOAD REDUCTION

- (1) At times of peak load or in an emergency, or when it is necessary to reduce the load on an electricity supply system of the Municipality, the Municipality may without prior notice interrupt and for such period as what the Municipality may deem to be necessary, discontinue the electricity supply to the electrically operated thermal storage water heater or any other specific appliance or the whole electricity installation of a customer.
- (2) The Municipality shall not be liable for any loss or damage, directly or consequentially as a result of or arising from such interruption and discontinuance of the electricity supply.

- (3) Except at times of excessive peak load or in cases of emergency, the Municipality shall when possible and practically viable, not interrupt the electricity supply customers without notification.
- (4) The Municipality may install on the premises of a customer, such apparatus and equipment as may be required to implement the provisions of subsection 32(1) of this by-law, and any authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting or changing such apparatus and equipment.
- (5) Notwithstanding the provisions of subsection 32(3) of this by-law, a customer or an owner of a premises shall when installing an electrically operated water storage heater, provide wiring as may be necessary at a later stage, to assist with the installation of the apparatus and the equipment referred to in subsection 32(4) of this by-law.

33. HIGH, MEDIUM AND LOW VOLTAGE SWITCHGEAR AND EQUIPMENT

- (1) When a supply of electricity is provided at either high, medium or low voltage, the supply or installation of the switchgear, the cables and the equipment forming part of such a service connection shall be paid by the customer, unless otherwise approved by the Municipality.
- (2) All equipment installed on the customer's premises, as contemplated in subsection 33(1) of this by-law, shall comply with the electrical performance standards of the Municipality.
- (3) No unauthorized person may open, close, isolate, link or earth, any high or medium voltage switchgear or equipment, without giving prior notice well in advance of such intended action, to the System Control Centre of the Municipality.
- (4) When a customer has high or medium voltage switchgear installed, requiring high or medium voltage supply, the Municipality shall be advised of the competent person appointed by the customer, as required in terms of the Regulations and be informed of any changes to such appointment.
- (5) When a low voltage supply of electricity has been installed, the customer shall provide and install a low voltage main switch or any other equipment as required by the Municipality.
- (6) When a generator of any kind is installed on a customer's premises, he or she shall ensure that the necessary safety isolation equipment, as required by municipal safety standards are installed, to prevent any back feed of electricity after the municipal electricity supply network has been isolated.

34. PROVISION OF SPACE TO ACCOMMODATE A SUBSTATION

- (1) The Municipality may require from the owner of a premises to provide and maintain space for the accommodation of a substation, which may consist of a separate room or rooms, to be used exclusively for the housing of medium voltage cables and switchgear, transformers, low voltage cables and switchgear and any other equipment necessary for the supply of electricity requested by a customer.
- (2) The accommodation for a substation, shall be located at a point to which free, adequate and unrestricted access shall be available at all times for purposes associated with the operation and the maintenance of the equipment concerned.
- (3) The Municipality reserves the right to supply the municipal electricity networks from the municipal electrical equipment installed in any such substation accommodation, and when additional space is required by the Municipality for any extension of any electrical equipment, such additional space shall be provided at the expense of the Municipality.

35. WIRING DIAGRAMS AND SPECIFICATIONS

- (1) When more than one electrical installation or electricity supply from a common electricity supply system, or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram and the specifications of the circuits starting from the main switch, shall on request be supplied to the Municipality in duplicate for approval, before such work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises as which the current is transformed from high voltage, or from one of the substations of the Municipality through an electricity supply system separate from the general electricity distribution system, complete specifications and drawings for the proposed installation by a client shall when so required be provided to the Municipality for approval, before any material in connection therewith is ordered for construction.

36. STANDBY SUPPLY OF ELECTRICITY

- (1) 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.
- (2) Upon cessation of the alternative supply of electricity to any premises, the Municipality may supply standby electricity to such a customer in any manner necessary.

37. ALTERNATIVE ELECTRICITY SUPPLY EQUIPMENT OF CUSTOMERS

- (1) No alternative electricity supply equipment provided by a customer in terms of any Regulations for emergency electricity supply or the operational requirements of such customer, may be connected to any installation without the prior written approval of the Municipality.
- (2) An application for an approval, as contemplated in subsection 36(1) of this by-law, shall be made in writing and shall include the detailed specifications of the equipment and wiring diagrams.
- (3) The emergency supply and alternative supply equipment shall be designed and installed as such, that it shall be impossible for a municipal electricity supply systems to be energized by means of a back feed from such equipment, when an electricity supply system has been isolated.
- (4) The customer shall be responsible for providing and installing all the required protective equipment.
- (5) When the emergency supply and alternative supply equipment of the customer is permitted by special agreement with the Municipality to be directly coupled to, and run in parallel with the municipal electricity supply systems, the customer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment, required for such safe parallel operations.

38. MUNICIPAL CIRCULARS ON ELECTRICITY SERVICES

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

CHAPTER 2: RESPONSIBILITIES OF CUSTOMERS

39. CUSTOMERS TO INSTALL AND MAINTAIN ELECTRICAL INSTALLATIONS

Any electrical installation connected or to be connected to the municipal electrical supply system, and any additions or alterations to such installations shall be provided and maintained by the customer at his or her own expense, and in accordance with the provisions of this by-law and the Regulations.

40. FAULTS IN AN ELECTRICAL INSTALLATION

- (1) When any fault develops in an electrical installation, which constitutes a hazard to persons, animals or property, the customer shall immediately shut off the electricity supply and without any delay give notice of the hazard to the Municipality, and where possible implement steps to remedy the fault.
- (2) The Municipality may recover from a customer the costs for all expenses incurred with regard to the correction of a fault at an electrical installation.

41. DISCONTINUANCE OF THE USE OF SUPPLY

In the event of a customer electing to discontinue using the municipal electricity supply, he or she must give at least two (2) working days written notice of such intended discontinuance to the Municipality, failing which he or she shall remain liable for all payments due in terms of the fees and tariffs for the supply of electricity, until the date of actual disconnection.

42. CHANGES IN THE OCCUPATION OF A PREMISE

- (1) A customer vacating any premises shall give the Municipality not less than two (2) working days written notice of his or her intention to discontinue using the municipal electricity supply to a premise, failing which he or she shall remain liable for the payment of fees and tariffs for the supply of electricity services to such premises.
- (2) When the person taking over occupation of a premises prefer to continue using the municipal electricity supply to the premises, he or she shall apply in terms of subsection 3(1) of this by-law for such service, and when he or she fails to apply for a continuation of electricity supply from the Municipality within ten (10) working days of taking occupation of the premises, the supply of electricity to such premises may be permanently disconnected.
- (3) The person referred to in subsection 42(2) of this by-law, shall be liable for the payment of fees and tariffs for the unauthorized connection to a municipal electricity supply system and any electricity consumption from the date of occupation of a premises, until such time as the supply is formally disconnected by the Municipality, as contemplated in subsection 42(2) of this by-law.
- (4) Where a premise is fitted with a pre-payment electricity meter, any person occupying such premises shall at such time be regarded as to be the customer.

- (5) Until such time as an application has been submitted, as contemplated in subsection 3(1) of this by-law, the occupant of a premise shall be liable for consumption at the metering point of a premises, as well as any outstanding amounts payable with regard to such metering point, whether accrued by such occupant or not.
- (6) The Municipality may impose conditions for the re-connection of an electricity supply service, which may include the withholding of electricity supply to a premise, where the previous customer's account is in arrears.
- (7) In the event of change of ownership of a premise, a new certificate of compliance for such a premise shall be issued by an accredited electrician, unless the existing certificate was issued within the preceding twenty four (24) months period, and no subsequent alteration of the electrical installation was effected within such period.

43. ELECTRICITY SUPPLY SERVICES APPARATUS

- (1) The customer shall be liable for all costs arising from damage to or loss of any metering equipment, service protective devices, service connections or any other apparatus on a premises, unless such damage or loss have been caused by an occurrence of natural forces or an act or an omission of an employee of the Municipality, or has been caused by an abnormality or a considerable fluctuation in the supply of electricity to such premises.
- (2) When an electrical installation has been disconnected from a municipal electrical supply system for a period, and the municipal electricity supply system, metering equipment or any other service apparatus belonging to the Municipality and used for the disconnected installation, are damaged during the period of disconnection as a result of the illegal use or the unlawful removal of such electrical equipment or apparatus, or has been damaged to such an extent as to render the use thereof for re-connection dangerous, the owner or the occupant of such premises shall be held responsible for the cost of repairing and / or replacing such equipment, when a re-connection of the electrical installation is requested.
- (3) Where there is a communal metering position on a premise, the owner of the premises shall be liable for all costs arising from damage to or loss of any metering equipment.
- (4) The amount payable in terms of subsection 43(1) of this by-law shall be manifested by a certificate from the Municipality, which shall be final and binding.

CHAPTER 3: SPECIFIC CONDITIONS OF SUPPLY

44. SERVICE CONNECTIONS

- (1) A customer shall bear the cost of a service connection, subject to approval of such connection by the Municipality
- (2) Notwithstanding the fact that a customer bears the cost of a service connection, the ownership of the service connection installed or constructed 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.
- (3) A customer shall under no circumstances be entitled to any compensation from the Municipality, in respect of a service connection to a premise.
- (4) The extent of the work to be carried out by the Municipality for a service connection to the premises of a customer shall be determined by the Municipality and the installation costs shall be paid by the customer.
- (5) A service connection shall be installed underground, irrespective whether the municipal electrical supply systems are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (6) The Municipality may require a customer to replace an overhead service connection with an underground service connection, when such overhead services connection to a premises are damaged or where it poses a threat to the safety of the electricity installation.
- (7) A customer shall provide, fix or maintain on his or her premises such ducts, wire ways, trenches, fastenings and overhead clearance for municipal electrical supply systems, as may be required by the Municipality for the installation of a service connection.
- (8) The conductor used for a service connection, shall have a cross-sectional area according to the size of the electrical supply, but may not be less than ten (10) millimetre square copper or a copper equivalent, and all electrical conductors shall have the same cross-sectional area, unless an alternative specification has been approved by the Municipality.
- (9) Unless otherwise approved, the Municipality shall only allow and provide one (1) service connection to each registered premises.
- (10) Where two (2) or more adjacent premises belonging to one owner are utilized in a consolidated manner, only a single bulk service connection for electricity may be made available, provided that the Municipality may require the customer to consolidate the erven concerned or have the erven tied notarial.

- (11) The cover of a wire way carrying the supply circuit from the point of supply to the metering equipment, shall provide for places for the affixing of the seals of the Municipality.
- (12) The electrical conductor or the cable within an electrical meter box shall terminate in an un-obscured position, and the conductors shall be visible throughout their length when their installed cover plates are removed.
- (13) In the case of blocks of buildings occupied by a number of individual customers, separate wire ways and conductors or cables shall be installed from the common metering room or rooms to each individual customer in the block of buildings, or when conduits are used as alternative, the conductors of the individual circuits shall be clearly identified and be tied together every one point five (1.5) meter, throughout their whole length.

45. ACCOMMODATION OF METERS

- (1) The customer shall when required by the Municipality, provide accommodation in an approved position on a premise for a meter board and adequate conductors for the metering equipment, service apparatus and protective appurtenances of the Municipality.
- (2) The protected accommodation for any meter boards, metering equipment, service apparatus and protective appurtenances, shall be provided and maintained at the cost of the customer or the owner of a premises, and shall in the case of credit meters be situated at a point to which free and unrestricted access shall at all times be accessible for the reading of meters and for purposes associated with the operation and maintenance of the service equipment concerned.
- (3) Where sub metering equipment has to be installed at a premise, accommodation separate from the metering equipment of the Municipality shall be provided for such sub metering equipment.
- (4) The customer or in the case of a communal meter position, the owner of a premises, shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (5) Where the position of a meter, a service connection, a protective appurtenances or a main distribution board is no longer readily accessible or becomes a danger to life or property or in any way becomes unsuitable, the owner or the customer shall move such meter, service connection, protective appurtenances or main distribution board to a new position, and the cost of such removal shall be paid by the owner or the customer.

- (6) The accommodation for municipal metering equipment and protective appurtenances, may when approved include the main switch and main protective appurtenance of the customer, and no apparatus other than that used in connection with the supply and use of electricity may be installed or accommodated in such meter accommodation.

CHAPTER 4: SYSTEMS OF SUPPLY

46. LOAD REQUIREMENTS

An alternating current supply shall be provided to customers, as prescribed by the NRS 048 document, or any revision or substitution thereof, and in the absence of a quality of supply agreement with a customer, a current supply as set out in the applicable standard specification shall be provided.

47. LOAD LIMITATIONS

- (1) Where the estimated load calculated in terms of safety standards, does not exceed fifteen (15) kilovolt ampere, the electrical installation shall be prepared for a two wire single phase supply of electricity, unless an alternative specification has been 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 (3) phases, on condition that the maximum out-of-balance load shall not exceed fifteen (15) kilovolt ampere, unless an alternative specification has been approved by the Municipality.
- (3) No current consuming appliance which is inherently single phase in character, with a rating which exceeds fifteen (15) kilovolt ampere, may be connected to an electrical installation of a premise, without the prior approval of the Municipality.

48. INTERFERENCE WITH THE ELECTRICAL EQUIPMENT OF OTHER PERSONS

- (1) No person may operate electrical equipment having load characteristics which, singly or collectively, may give rise to voltage variations, harmonic voltages, harmonic currents or unbalanced phase currents which fall outside the applicable standard specifications for electricity supply systems.
- (2) The assessment of interference with the electrical equipment of other persons shall be carried out by means of measurements taken at the point of communal coupling.

(3) When it has been established that undue interference is in fact occurring, the person concerned shall at his or her own cost, install the necessary equipment to filter out the interference and to prevent the interference reaching an electricity supply system.

49. ELECTRICITY SUPPLY TO ELECTRIC MOTORS

Unless otherwise approved by the Municipality, the rating of electric motors shall be limited as follows -

- (1) Limiting the size of low voltage motors - The rating of a low voltage single-phase motor shall be limited to two (2) kilowatt, and the starting current of such a motor may not exceed seventy (70) ampere, and all low voltage single-phase motors exceeding these limits shall be wound for three (3) phase 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 permitted low voltage three phase motors, shall correlate as follows with the capacity of a customer's service connection -

Insulated service cable, size in mm ² (copper equivalent)	Maximum permissible starting current	Maximum motor rating				
		mm ²	Ampere (A)	Kilowatt (kW)		
				Direct on line (6 x 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	36.5		
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 – When an installation is supplied at medium voltage, the starting current of a low voltage motor shall be limited to one point five (1.5) times the rated full load current of the transformer supplying such a motor, and the starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

50. POWER FACTOR

- (1) When required by the Municipality, the power factor of any load must be maintained within the limits zero point eight five (0.85) lagging and zero point nine (0.9) leading.
- (2) When it is required to install power factor corrective devices for purpose of complying with subsection 50(1) of this by-law, such corrective devices shall be connected to the individual user terminals, unless the correction of the power factor can be automatically controlled.
- (3) The customer shall at his or her own cost install corrective devices.

51. PROTECTION FOR ELECTRICAL MOTORS

Electrical protective devices for electrical motors shall be of such a design, that it effectively shall prevent sustained overloading, and restrict maximum starting currents and accelerating currents as required.

CHAPTER 5: MEASUREMENT OF ELECTRICITY CONSUMPTION

52. METERING EQUIPMENT

- (1) The Municipality shall provide, install and maintain appropriately rated metering equipment at the point of metering of the electricity supplied to a premise, and the customer shall pay therefore in the form of a direct charge or a prescribed fee or a prescribed tariff.
- (2) The electricity used by a customer during any metering period, shall be ascertained by the reading of the appropriate meter or meters, supplied and installed by the Municipality, except for pre-payment meters.
- (3) When metering equipment is found to be defective, the consumption for the period shall be estimated.
- (4) When the electricity used by a customer, is charged at different rates, the consumption shall be metered separately for each rate.
- (5) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement housing and similar buildings, for a building as a whole or for individual users or for groups of users.
- (6) No alterations, repairs, or additions to electrical equipment or electrical connections of any kind, may be made on the supply side of a point of metering, unless specifically approved in writing by the Municipality.

- (7) The Municipality shall have the right to decide which metering equipment shall be most appropriate for a specific point of metering, and the Municipality shall also have the right to convert to alternative metering equipment at any time.

53. ACCURACY OF MEASUREMENT

- (1) A meter shall be presumed to be registering accurately, when the deviation thereof, as tested in the manner prescribed in subsection 53(5) of this by-law, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality has the right to test municipal metering equipment regularly, and when it is established by testing or any other way that such metering equipment is defective, the Municipality may as contemplated in subsection 53(6) of this by-law -
- (a) in the case of a credit meter, adjust the account rendered; and
 - (b) in the case of a pre-payment meter -
 - (i) render an account to a customer in instances where the meter has been under-registering; or
 - (ii) issue a free token to a customer in instances where the meter has been over-registering.
- (3) A customer shall be entitled to have any municipal metering equipment on his or her premises tested by the Municipality, on payment of the prescribed fees and tariffs, and when such metering equipment is found not to comply with the applicable system accuracy requirements, as provided for in the applicable standard specifications, an adjustment of the account concerned, in accordance with the provisions of subsections 53(2) and 53(6) of this by-law, shall be made.
- (4) In case of a dispute, the customer shall have the right to have the metering equipment under dispute tested at his or her own cost by an approved independent testing institution, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in a manner as provided for in the applicable standard specifications, as prescribed by a competent authority.
- (6) When an adjustment of an account is made in terms of subsections 53(2) or 53(3) of this by-law, such adjustment shall either be based on the percentage error of the meter concerned, as determined by a meter test as contemplated in subsection 53(5) of this by-law or upon a calculation by the Municipality from available consumption data, and where applicable shall allowance be made for seasonal or other variations which may affect the consumption of electricity.

- (7) When an adjustment is made as contemplated in subsection 53(6) of this by-law, the period of adjustment may not exceed six (6) months preceding the date on which the metering equipment was found to be inaccurate, on condition that a customer may claim overpayment for any longer period.
- (8) Where the actual electrical load of a customer differs from the initial estimated electrical load provided for as contemplated in subsection 47(1) of this by-law, to the extent that the Municipality deems it necessary to alter or replace the installed municipal metering equipment to match the actual electrical load, the costs of such alteration or replacement of metering equipment shall be paid by the customer.
- (9) Prior to the Municipality making any upward adjustment on an account in terms of subsection 53(6) of this by-law , the Municipality shall –
 - (a) notify the customer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (b) provide sufficient particulars in such notification to enable the customer to submit representations thereon, and
 - (c) call upon the customer in such notice to provide as applicable written reasons within twenty one (21) days or any such longer period as the Municipality may permit, why the account concerned should not be adjusted as indicated in the notification.
- (10) When a customer fail to make any representations or decline the opportunity for input, as contemplated in subsection 53(9)(c) of this by-law, the Municipality shall be entitled to adjust the account concerned.
- (11) The Municipality shall consider any reasons provided by a customer in terms of subsection 53(9)(c) of this by-law, and when satisfied that the evidence and / or arguments provided justifies adjustments, adjust the account appropriately.
- (12) When the Municipality, after having considered the representation made by the customer, decides that such representations do not warrant any adjustment to the monetary value of the account concerned, the account rendered in terms of subsection 53(9)(a) of this by-law shall become payable, subject to the customer's right of appeal against the decision in terms of section 62 of this by-law.

54. READING OF CREDIT METERS

- (1) Unless otherwise determined, credit meters shall normally be read at intervals of one (1) month and the amount payable for such account shall be assessed accordingly.

- (2) When a credit meter cannot be read for any reason, the Municipality may render an estimated account, provided that the electrical consumption shall be adjusted in subsequent accounts in accordance with the actual electricity consumption.
- (3) When a customer vacates a premises and a final reading of the electricity consumption on a meter is not possible, an estimation of the consumption may be made and a final account may be rendered based on such estimation.
- (4) When a special reading of a meter is requested by a customer, such reading shall be provided within a period of two (2) days, upon payment of the prescribed fees and tariffs.
- (5) When any calculation, reading or metering error is discovered in respect of any account rendered to a customer, the error shall be corrected in subsequent accounts, and any such corrections shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during that periods.
- (6) The application of subsection 54(5) of this by-law, does not prevent a customer from claiming back overpayment for any longer period, as allowed for in statutory stipulations

55. PRE-PAYMENT METERS

- (1) No refund of the amount tendered for the purchase of electricity credits shall be given at a point of sale, after initiation of the process by which a pre-payment meter token is produced.
- (2) Duplicates of previously issued tokens for the transfer of electricity credits to a pre-payment meter, may be issued at the request of a customer.
- (3) When a customer vacates any premises where a pre-payment meter is installed, no refund for the credit remaining on the pre-payment meter shall be made to such customer.
- (4) The Municipality shall not be liable for the re-instatement of any lost credits in a pre-payment meter, as a result of tampering with such pre-payment meter or the incorrect use or the abuse of a pre-payment meter or tokens.
- (5) When a customer is indebted to the Municipality for electricity consumed or for any other municipal service supplied by the Municipality or for property rates or for any other municipal levy, the Municipality may deduct a percentage from the amount tendered for electricity credits, as partial payment of the amount owed to the Municipality, as contemplated in the agreement in accordance with the Credit Control and Debt Collection By-law and Policy of the Theewaterskloof Municipality for the supply of electricity.

- (6) The Municipality may at the discretion of the Municipality, appoint vendors for the sale of electricity credits for pre-payment meters in terms of supply chain procedures, and the continued operation of any vendor for such sales shall not be guaranteed at any time

CHAPTER 6: ELECTRICAL CONTRACTORS

56. ADDITIONAL REQUIREMENTS FOR ELECTRICAL CONTRACTORS

In addition to the requirements of the Regulations for electrical contractors, the following additional requirements shall be applicable for electrical contractors within the area of jurisdiction of the Municipality -

- (a) where an application for a new or an 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, where the circuit arrangements allows for the electrical installation to be divided up into well-defined separate portions, and any such part of the electrical installation may at the discretion of such authorized official of the Municipality be inspected, tested and connected to a municipal electricity supply system, as though it were a complete installation;
- (b) the examination, the testing and the inspection of any electrical installation that may be carried out at the discretion of the Municipality, in no way relieves the electrical contractor or the accredited person or the owner or the occupant or the user or the lessor of a premises, from his or her responsibility for any defect in such an installation; and
- (c) any examination, testing and inspection of an electrical installation shall not be conceived in a way, even where the electrical installation has been connected to a municipal electricity supply system, as to indicate or guarantee in any way that an electrical installation has been carried out in a correct way with the most suitable materials for the purpose, or that the installation has been done in accordance with the provisions of this by-law, or that all safety standard has been complied with, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

57. LIABILITY FOR THE WORK OF CONTRACTORS

The Municipality shall not be held responsible for the work done by an electrical contractor or any other accredited person on a customer's premises, and shall not in any way be responsible for any loss or damage which may be caused by a fire or by any accident arising from the state of the electrical wiring on a premise.

**CHAPTER 7:
COST OF WORK**

58. COST OF WORK DONE BY THE MUNICIPALITY

The Municipality may repair 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, shall be recovered from the person responsible for contravening the provisions of this by-law.

**CHAPTER 8:
ENERGY SAVING MEASURES AND THE REDUCED USE OF ELECTRICITY**

59. NORMS, STANDARDS AND GUIDELINES FOR ENERGY MANAGEMENT

- (1) The Municipality may determine and publish norms, standards and guidelines for energy management, which may prescribe appropriate measures to save energy or to reduce the use of electricity, and such norms standards and guidelines shall be maintained in the form of an operational manual.
- (2) The norms, standards and guidelines contemplated in subsection 59(1) of this by-law, may differentiate between communities, geographical areas and different kinds of premises.

**CHAPTER 9:
GENERAL PROVISIONS**

60. EXEMPTIONS

- (1) Any person may in writing apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may –
 - (a) grant an exemption in writing, stipulating the conditions for the exemption, and indicating the period for which such exemption shall be valid;
 - (b) alter or cancel any exemption or any condition for such an exemption; or
 - (c) refuse to grant an exemption, in which case the applicant shall be informed in writing of the reasons for such refusal.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all the conditions imposed by the Municipality, and when any action or activity related to the exemption applied for is commenced before such undertaking has been submitted to the Municipality by the applicant, the exemption shall lapse.

- (4) When any condition of an exemption is not complied with, the exemption lapses immediately.

61. COMMUNITY LIAISON FORUMS

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
- (2) A liaison forum may consist of –
- (a) a member of members of an interest group, or affected persons;
 - (b) a member or members of the community; and
 - (c) a designated official or officials of the Municipality, or other organs of state.
- (3) (a) The Municipality may, when considering an application for consent or an exemption in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person or persons as contemplated in subsection 61(2) of this by-law, may on own initiative provide input to the Municipality for consideration.

62. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty one (21) days of the date of the notification of the decision.

63. OFFENCES AND PENALTIES

Any person who -

- (a) obstructs or hinders any authorized official of the Municipality to gain access to a premises in the exercising of his or her powers or the performance of his or her functions or duties, in terms of the provisions of this by-law;
- (b) obstructs an authorized official to do the necessary maintenance work on or changes to metering equipment or installing credit or pre-payment meters;
- (c) fails to comply to the instructions of an authorized official issued in terms of this by-law, or fails to comply with a notice posted on a notice board;

- (d) tampers or interferes with any metering equipment, municipal electrical installations, municipal electrical service connections or the municipal electricity supply systems;
 - (e) interferes with the electrical equipment of other persons;
 - (f) illegally or unauthorized connect to a municipal electricity supply system, or illegally re-connects or restores an electrical service connection to a municipal electricity supply system that has been disconnected by the Municipality,
 - (g) improperly or unsafely use or misuse of electricity;
 - (h) endangers a municipal electricity supply system by unlawful or unsafe actions, or by linking without prior approval alternative electrical supply equipment or medium or high voltage electrical equipment to a municipal electricity supply system;
 - (i) illegally and unauthorized resell electricity;
 - (j) refuse or fail to provide information;
 - (k) break municipal seals on electricity supply equipment and meters; or
 - (l) contravenes or fails to comply with any provision of this by-law,
- is guilty of an offence and is liable on conviction for -
- (i) a fine or imprisonment, or to such imprisonment without the option of a fine or to both such fine and such imprisonment;
 - (ii) in the case of a successive or continuing offence, to an additional fine or an additional fine or an additional period of 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; and
 - (iii) any further amount as an order of court for costs, equal to any costs and / or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.

64. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

65. REPEAL OF BY-LAWS

- (1) 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.

(2) The following by-law of the Theewaterskloof Municipality is hereby specifically repealed –

Name of by-law	Date published	As a whole or partially
Electricity Supply By-law	PG 6234 dated 8 March 2005	As a whole.

66. SHORT TITLE

This by-law shall be called the Electricity Supply By-law of the Theewaterskloof Municipality.

67. OPERATIVE DATE

This by-law shall take effect on the date of publication.