

(Edited March 2020/tm)



## ELECTRICITY SUPPLY BY-LAW



Building a Smart City Together

# **POLOKWANE MUNICIPALITY: ELECTRICITY SUPPLY BY-LAW**

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## POLOKWANE LOCAL MUNICIPALITY

### ELECTRICITY SUPPLY BY-LAW

To provide for the distribution of electricity in the jurisdictional area of the Polokwane Local Municipality, to regulate activities which may have a detrimental effect on the distribution of electricity and to provide for matters incidental thereto.

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

## CHAPTER 1

### DEFINITIONS

#### 1. Definitions

(1) 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;

**“Act”** means the Electricity Regulation Act, 2006 (Act4of2006);

**“agreement”** means a formal decision taken after negotiations, typically legally binding arrangement between two or more parties;

**“applicable standard specification”** means—

SANS1019 Standard voltage—, currents and insulation levels for electricity supply

SANS1607 Electro mechanical watt-hour meters,

SANS1524 Parts 0,1&2—Electricity dispensing systems,

SANSIEC60211 Maximum demand indicators, Class 1.0,

SANSIEC60521 Alternating current electro mechanical watt-hour meter (Classes 0.5, 1 & 2),

SANS10142 Wiring Code,

NRS047 National Rationalized Specification for the Electricity Supply—Quality of Service

NRS048 National Rationalized Specification for the Electricity Supply—Quality of Supply, and

NRS057 Electricity Metering: Minimum Requirements;

NRS097 Grid Interconnection of Embedded Generation;

**“approved”** means in writing by the Engineer/Manager;

**“authorized maximum demand or AMD”** means the allocated authorized maximum demand allowed for any particular premise or stand determined by the Municipality on the basis of the size of the particular stand or premises on its particular use zoning;

**“availability charge”** As prescribed in the schedule of charges and fees, means a charge levied on the Owner of the stand which in the opinion of the Municipality can be connected to the Municipality’s supply mains but not yet been connected;

**“backyard dwelling”** means an informal structure erected for residential purposes on premises in addition to an existing dwelling unit;

**“consumer”** in relation to premises means:

- (a) Any occupier thereof or any other person with whom the Municipality has contracted to supply or generate, or is actually supplying or generating electricity there at; or
- (b) If such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply or generation of electricity to such premises; or
- (c) If there is no such person or occupier, the Owner of the premises;

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

**“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;

**“Council”** means Polokwane Local Municipality; duly established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this By-law by virtue of a power vested in the Municipal Council and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**“electrical contractor”** means an electrical contractor as defined in the Regulations;

**“electrical installation”** means an electrical installation as defined in the Regulations;

**“embedded generation systems”** means electrical power units connected to the distribution system or connected to the distribution system on the customer’s side of the meter;

**“Engineer”** means the Director of the Energy Services Directorate of the Municipality or any other person duly authorized to perform this duty;

**“Engineering Service Contribution”** means the engineering costs incurred through a once-off capital expenditure on plant, equipment and other productive resources, to increase network capacity.

**“ERA”** Electricity Regulation Act,2006(Act4of2006);

**“exercise”** in relation to the rights of the Owner of the property, means to exercise the rights to the capacity of the electrical supply that has been allocated to the property-

When building approval is applied for;

When an application for an electrical connection is made;

When the Ownership of the property is being transferred

**“high voltage”** means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of  $44\text{kV} < \text{Un} \leq 220\text{kV}$ . [SANS1019];

**“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 ac voltage of 1000V (or a dc voltage of 1500V). [SANS1019]

**“medium voltage”** means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of  $1\text{kV} < \text{UN} \leq 44\text{kV}$ . [SANS1019];

**“meter”** means a device which records the demand or the electrical energy consumed or purchased and includes conventional, prepayment meters, smart meters and net meters;

**“motor load, total connected”** means the sum total of the kW input rating so fall the individual motors connected to an installation;

**“motor rating”** means the maximum continuous kW output of a motor as stated on the maker’s rating plate;

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

**“Municipality”** means Polokwane Local Municipality; duly established in terms of Section 12 of the Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this By-law by virtue of a power vested in the Municipal Council and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**“NERSA”** means the National Energy Regulator of South Africa as contemplated in the Electricity Regulation Act, 2006 (Act No 4 of 2006);

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

**“Notified Maximum Demand (NMD)”** means where applicable, the Maximum Demand notified, in writing, by the consumer and accepted by the Municipality as more fully described in the application submitted to the Municipality by the consumer

**“occupier”** in relation to any premises means—

- a) Any person in actual occupation of such premises;
- b) Any person legally entitled to occupy such premises;

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

**“Owner”** in respect of immovable property means—

- a) The person in whom ownership vests;
- b) In the event of the person in whom the ownership vests being insolvent or deceased, or subject to any legal disqualification, the person under whose control and administration such immovable property vests in his or her capacity as curator, trustee, executor, administrator, judicial manager, liquidator or any other lawful representative;
- c) In any event where the Municipality is unable to determine the identity of such a person, the person who is entitled to the beneficial use of such immovable property;
- d) In the event of immovable property in respect of which a lease agreement of 30 years or longer had been concluded, the lessee thereof;
- e) In respect of—
  - I. A portion of land demarcated on a sectional title plan and registered in accordance with the Sectional Titles Act, 1986 (Act No 59 of 1986), the developer or the governing body in respect of the joint property;
  - II. A portion of land as defined in this Act, the person in whose name that portion is registered in accordance with a title deed, including the lawfully appointed representative of such person
  - III. Any person, including but not limited to—
    - i. A company registered in accordance with the Companies' Act, 2008 (Act No 71 of 2008), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in accordance with the

Close Corporations Act, 1984 (Act No 69 of 1984), and a voluntary association;

- ii. Any government department;
- iii. Any Municipality or governing body established in accordance with any legislation in force in the Republic of South Africa; and
- iv. Any embassy or other foreign entity;

**“person”** includes but is not limited to, a consumer, occupier or Owner as the case may be, who receives the beneficial use of the electrical supply to the specific premises;

**“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; provided that it shall meter all of, and only, the consumer’s consumption of electricity;

**“point of supply”** means the point determined by the Municipality at which electricity is supplied to any premises and includes— (SANS 10142-2009-3.58)

- a) An underground cable (MV & LV) at the stand boundary or at the joint of the supply cable in the immediate vicinity of the stand boundary
- b) An overhead domestic connection at the terminals in the box of the roof or wall of the dwelling where the aerial conductors from the Municipality’s network, are terminated/connected;
- c) In the case of a maximum demand consumer at the outgoing terminals of the Municipality isolating switch;
- d) Any other point of supply as agreed upon in writing between Municipality and the consumer;

**“premises”** means any portion of land, situated within the area of jurisdiction of the Municipality, and of which the outer boundaries are demarcated on—

- a) A general plan or diagram registered in accordance with the Land Survey Act, 1927 (Act 9 of 1927) or the Deeds Registries Act, 1937 (Act 47 of 1937); or
- b) A sectional title plan registered in accordance with the Sectional Titles Act, 1986 (Act 95 of 1986); 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;

**“quota charge”** means a charge as prescribed in the schedule of charges and fees under this By-law intended to cover the cost of extending the local reticulation, which charge the Municipality does not recover from the tariff for supply of electricity;

**“registered Owner”** means the person in whose name the property is registered in the Deeds Registry Office;

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

**“retail wheeling”** means the process of moving third party electricity from a point of generation across the distribution systems of the Municipality and selling it to a consumer;

**“reticulation”** means the trading or distribution of electricity and includes services associated therewith;

**“safety standard”** means the Code of Practice for the Wiring of Premises SANS10142-1 & SANS 10142-2 incorporated in the Regulations;

**“Schedule of charges and fees”** means the schedule of charges and fees payable to the Municipality for supply of electricity, which charges and fees are from time to time determined by the Municipality and where applicable by the NERSA, and are from time to time published by public notice in terms of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and set out in a schedule to such notice;

**“Service authority”** means the municipal authority that regulates the provision of an electricity service by the Municipality;

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

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

**“smart meter”** means an electricity meter that allows for—

- a) Measurement of energy consumed on a time interval basis;
- b) Real-time or near-time registration of electricity use;
- c) Two-way communication between the consumer/end-user and the Municipality;
- d) Storage of time interval data and transfer thereof remotely to the Municipality;
- e) Remote limitation of the through put through the meter (switching off of non-essential equipment or in the extreme case cutting of the electricity to the consumer);
- f) Interconnectivity to premise-based networks and devices (e.g., local generation such as Photo Voltaic Cells and Wind Generation);
- g) Ability to measure electricity consumed and electricity supplied on separate registers;

- h) Ability to read other, on premise or nearby commodity meters (e.g., gas, water); and
- i) Ability to detect theft of electricity or tampering to the meter itself.

**“specification”** means the applicable standard or specification accepted in the electrical industry and includes the applicable specifications of the South African Bureau of Standards (SANS) and any applicable rationalized specification (NRS);

**“SSEG”** means small scale embedded generation of less than 1MVA;

**“standby supply”** means an alternative electricity supply not normally used by the consumer;

**“supply mains”** means any part of the Municipality’s electrical network;

**“tariff”** means the Municipality’s tariff for the supply of electricity and sundry fees applicable;

**“temporary supply”** means an electricity supply required by a consumer for a period and in terms of conditions negotiated within a temporary supply agreement;

**“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) All other terms used in this By-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the

Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

## **CHAPTER 2**

### **GENERAL CONDITIONS OF SUPPLY**

#### **2. Provision of electricity services**

- (1) Only the Municipality may supply or contract for the supply of bulk electricity within its license area.
- (2) The Municipality may permit the bulk supply or retail wheeling of electricity through its network by another electricity supplier which is licensed to supply electricity in terms of the Act.
- (3) Permission in terms of subsection (2) shall be governed by a service delivery agreement as required by section 80 of the Municipal Systems Act, 2000 (Act 32 of 2000).
- (4) The Municipality may permit the co-generation of electricity to its consumers subject to—
  - a) A generation agreement being entered into;
  - b) Compliance with the relevant requirements of the ERA pertaining to the generation of electricity and the safety thereof;
  - c) Registration at the Municipality of all fixed installations where electricity is generated; and
  - d) Compliance with the Municipality's safety and standards and regulations requirements.
- (5) The surplus generation of electricity may be prohibited and the Municipality may determine conditions for such surplus generation pertaining to timing and quantity.

### **3. Supply by agreement**

- (1) No person may use or be entitled to use an electricity supply from the Municipality unless or until such person has entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this By-law shall in all respects govern such supply.
- (2) If a person uses an electricity supply without entering into an agreement, he or she shall be liable for the cost of electricity used as stated in section 55 of this By-law.
- (3) No person may generate electricity by way of a fixed installation and into a municipal network unless an agreement has been concluded with the Municipality, and such supply agreement together with the provisions of this By-law, as well as any other legislation, shall govern such generation of electricity.

### **4. 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 address 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;
  - f) when it has been electronically mailed to that person's last known electronic mail address; or

- g) when it has been sent via facsimile to that person or his/her agent's last known fax number.
- (2) When any notice or other document must be authorized or served on the Owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the Owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

## **5. Compliance with notices**

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

## **6. Application for supply or generation**

- (1) Application for the supply or generation of electricity must 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, must be stated therein. Such application must be made as early as possible but not less than the time allowed by NRS047-1, paragraph 4.2.3 before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) Applicants for the supply or generation of electricity must submit the following documents with their application—
  - a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant,
  - b) A valid lease agreement, in the case of a tenant, or, in the case of an Owner, a title deed or other proof of Ownership of the premises for which a supply or generation of electricity is required,

- c) The Municipality shall provide a quotation to connect after receiving an application and if accepted by the consumer; both parties shall enter into a supply agreement.
  - i. The supply agreement shall include information such as project planning data, inspection, testing and commissioning programs, electrical diagrams and any other information the Municipality may deem necessary to proceed with the processing of the application for connection.
- d) Where applicable, the Service Condition Policy shall be applied.

(3) An application for a new temporary supply of electricity shall be considered at the discretion of the Municipality which may specify any special conditions to be satisfied in such case.

(4) Municipality may require the developer/consumer to bear a pro-rata Engineering Service Contribution to be paid to connect a new development or to provide for additional requirement for services. This cost is based on the nett present replacement value of the network being or to be shared by more than one consumer. (also called: Engineering Charges, Developer contributions, Bulk Contributions.)

(5) An application for a new temporary supply of electricity shall be considered at the discretion of the Municipality which may specify any special conditions to be satisfied in such case.

## **7. Processing of requests for supply or generation**

Applications for the supply or generation of electricity will be processed and the supply made available within the periods stipulated in NRS047.

## **8. Way leaves**

(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 has obtained 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, 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, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.
- (3) A wayleave granted in terms of subsection (1) shall be binding on the Owner of the property who granted the way leave and his or her successors in title for as long as the electrical connection is operative and may not be withdrawn without permission of the Municipality.

## **9. Statutory Servitude**

- (1) Subject to the provisions of section 10(1) and subsection (c) below, the Municipality may within its municipal area:
  - a) control, provide, establish and maintain electrical services; acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
  - b) 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;
  - c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in subsections (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 or, in the absence of agreement, as determined either by arbitration or a court of law.

- (3) The Municipality must, 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.
- (4) The Municipality may register a Servitude where deemed necessary which includes the existing network.

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

- (1) The Municipality has access to or over any property for the purposes of—
  - a) Doing anything authorized or required to be done by the Municipality under this By-law or any other law;
  - b) Inspecting and examining any service mains and anything connected therewith;
  - c) Enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
  - d) Ascertaining whether there is or has been a contravention of the provisions of this By-law or any other law, and
  - e) Enforcing compliance with the provisions of this By-law or any other law.
- (2) The Municipality shall pay compensation, as agreed upon, to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1).
- (3) Subsection (2) does not apply where the Municipality is authorized to execute work at the cost of such person or some other person.

- (4) In the absence of agreement compensation may be determined by arbitration or a court of law.
- (5) An employee of the Municipality may, by notice in writing require such Owner or occupier to provide access to such property for a purpose referred to in subsection (1).
- (6) In case of emergency the Municipality may enter any premises or property without notice and may take whatever action is necessary or desirable to protect life or property.
- (7) A person representing the Municipality, who wishes to enter private property must, on request, provide his or her identification.

## **11. Refusal or failure to give 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 official regarding any electrical installation work completed or contemplated.
- (2) The Municipality shall not, subject to the provisions of any other law, or its Customer Care Policy, make any information available concerning the supply or account details for any premises to any third party without the written permission of the consumer who signed the supply agreement for the supply to the premises or generation there from concerned except to the Owner of a property upon written request to the Municipality.

## **12. Refusal of admittance**

No person may wilfully hinder, obstruct, interfere with or refuse admittance to any authorized official of the Municipality in the performance of his/her duty under this By-law or any other relevant legislation or of any duty connected therewith or relating thereto.

### **13. Improper use**

- (1) Where a consumer uses electricity for any purpose or deals with 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 such electricity supply provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed and the relevant fees have been paid.
- (2) The fee as prescribed by the Municipality for the disconnection and reconnection must 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.

### **14. Electricity tariffs**

Copies of tariffs may be obtained at the offices of the Municipality.

### **15. Deposits**

- (1) The Municipality may in terms of its Consumer Care, Credit Control and Debt Collection By-law require the consumer to deposit a sum of money as security in payment of any tariff which is due or may become due and payable 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 its Tariff Policy.

### **16. Payment of tariffs**

Consumers shall be liable for payment of electrical services tariffs as determined from time to time by the municipal council of Polokwane and as listed in the prescribed tariff schedule for the

electricity service as approved by the Municipality in terms of its Tariff Policy and all amounts due and payable in terms thereof shall be recovered in terms of the Municipality's Credit Control and Debt Collection By-law.

## **17. Interest on overdue accounts**

The Municipality may charge interest on arrear and outstanding accounts in terms of its Credit Control—and Debt Collection By-law, in conjunction with the Electricity Supply Charges Schedule 5.

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

- (1) Unless authorized by the Municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the Municipality, to any other person or persons for use on any other premises, or permits or allows such resale or supply to take place.
- (2) The reseller must comply with the licensing and registration requirements set out in the ERA.
- (3) If electricity is resold for use upon the same premises, the electricity resold must 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.
- (4) The tariff 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.
- (5) Every reseller must 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.

(6) The Municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.

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

(1) The Municipality has the right to disconnect the supply of electricity to any premises—

- Without notice where—
  - There is great risk to person or property if the supply is not disconnected; or
  - There is evidence of tampering as contemplated in section 26; or
- With reasonable written notice where—
  - A consumer fails to pay any services amounts due to the Municipality; or
  - Any provision of this By-law has been contravened and the consumer has failed to remedy the default after proper notice has been given; or
  - Access to inspect metering equipment has been denied; or

(2) In the case of a contravention of section 18(1) of this By-law, the Municipality has the right to limit the supply of electricity to the premises from which electricity is supplied or sold.

(3) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the Municipality shall be paid for re-connection of such supply.

(4) In the case where an installation has been illegally re-connected on a consumer's premises after having been 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 Municipality may remove the electricity

supply from those premises, and take such legal steps against the Owner and occupier of the premises as it may deem necessary.

## **20. 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.

## **21. Leakage of electricity**

No rebate shall 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.

## **22. Failure of supply**

- (1) The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device or any other devices of the Municipality.
- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality may charge the consumer the tariff 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.

## **23. Electricity meters, seals and apparatus of the Municipality**

- (1) Electricity meters, load control devices or service protective devices and all electrical apparatus belonging to the Municipality shall be sealed and/or locked in an electrical meter box where applicable by an authorized official of the Municipality, and no unauthorized person may in any manner or for any reason whatsoever remove, break, deface, tamper or interfere with such seals and/or locks.
- (2) The Municipality shall charge against the account of the Owner of premises, the fee determined in its Electrical Tariffs should a seal be broken or removed by a consumer.

## **24. Tampering with service connection or supply mains**

- (1) No person may in any manner—
  - a) Tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality;
  - b) Vandalize, or in any manner affix posters, stickers or any other advertising medium to metering equipment or deface it in any manner; or
  - c) Illegally connect into the electricity wiring of any other consumer.
- (2) Where *prima facie* evidence exists of a consumer or any person having contravened subsection (1), the Municipality may disconnect the supply of electricity immediately in terms of section 19 of this By-law.
- (3) Where a consumer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption as well as the cost of damages caused to equipment plus the cost related to the cleaning of the equipment of any material illegally attached thereto or pasted thereon.

(4) In addition to the provision under subsection (3), a person vandalizing or defacing metering equipment under subsection (1) b) shall be liable to a fine as provided for in the fine schedule under this By-law.

## **25. Protection of Municipality's supply mains**

- (1) No person may, except with the consent of the Municipality and subject to such conditions as may be imposed—
  - a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical supply mains.
  - b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains.
  - c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or
  - d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.
- (2) An Owner or occupier of premises must limit the height of trees or length of protruding branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality is an acceptable means. The Municipality will adequately prevent trees from interfering with the conductors should a tree or branch fall or be cut down.
- (3) Should the Owner of property fail to observe the provision under subsection (2), the Municipality may, after prior written notification to the effect, or at any time in an emergency, order the Owner to cut or trim the trees or other vegetation in such a manner as to comply with this provision, failure by the Owner which may result in the Municipality attend to such cutting at the cost of the Owner of the property.
- (4) The Municipality may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this By-law.

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

## **26. Prevention of tampering with service connection or supply mains**

Should the Municipality find it necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the Municipality may require the consumer to either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

## **27. Unauthorized connections**

- (1) No person may directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.
- (2) Contravening subsection (1) will result in legal actions to be taken against this unauthorized person and fined according to Electricity Supply Charges as determined from time to time.

## **28. Unauthorized re-connections**

- (1) No unauthorized person may re-connect, attempt to re-connect or cause or permit to be re-connected 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 been disconnected is found to have been re-connected, the consumer using the supply of electricity, will be fined according to Electricity Supply Charges Schedule 5 and shall be liable for all tariffs for electricity consumed between the date

of disconnection and the date the electricity supply was found to be re-connected and any other cost incurred in this regard; or be dealt with in terms of Section 3 (1) of the Criminal Matters Amendment Act, Act N0. 18 of 2015.

- (3) The Municipality has the right to remove part of or all of the supply equipment until such time as payment has been received in full in which case the consumer will be responsible for all the costs associated with the re-instatement of such supply equipment.

## **29. Temporary disconnection and re-connection**

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and re-connect the supply of electricity to the consumer's electrical installation upon payment of the prescribed tariff for each such disconnection and subsequent re-connection.
- (2) 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 purpose.
- (3) 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.
- (4) 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 and in all other instances adequate notice shall be given.

## **30. Temporary supplies**

- (1) If any temporary supply of electricity supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall, with notice, or under exceptional circumstances without notice, terminate such temporary supply and the Municipality shall not be liable for any loss or damage suffered by the consumer because of such termination.
- (2) A temporary supply shall be valid for 12 months after which a new application must be submitted for continued use.
- (3) The Municipality may disconnect a temporary supply if conditions pertaining thereto are not complied with.

## **31. Temporary work**

- (1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the permission of the Municipality.
- (2) Full information as to the reasons for and nature of such temporary work must accompany the application for such permission, and the Municipality may refuse or grant permission.
- (3) Where permission is refused, the applicant must 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 the electricity supply system of the Municipality, it may without notice interrupt and, for such period as it may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water-heater or any other specific appliance or the whole installation.

- (2) Except at times of peak load or in cases of emergency, the Municipality shall where possible and practically viable not interrupt the electricity supply system to a consumer without reasonable notice.
- (3) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any 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.
- (4) Notwithstanding the provisions of subsection (3), the consumer or the Owner, must, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as maybe necessary to facilitate the later installation of the apparatus and equipment.
- (5) Load Shedding – The Municipality may, by virtue of an instruction by ESKOM, or in case of an emergency due to a shortage of own supply capacity, without prior notice, but according to advertised schedules, implement rotational load shedding to stabilize the system. Load shedding shall be implemented for such a period as deemed necessary to avoid further damage or failure to the system.

### **33. 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 must, unless otherwise approved by the Municipality, be paid for by the consumer.
- (2) All such equipment installed on the consumer's premises must comply with the Municipality's electrical standards and specifications.
- (3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Municipality's SCADA Control Centre.

- (4) In the case of a high or medium voltage supply, where the consumer has high or medium voltage switchgear installed, the Municipality must be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
- (5) In the case of a low voltage supply of electricity, the consumer must provide and install a low voltage main switch or any other equipment required by the Municipality.
- (6) In the case where fixed generators of any kind are installed on the consumer's premises, he or she must ensure that the necessary safety isolation equipment as prescribed by the Municipality's safety standards and specifications is installed to prevent any back feed of electricity after the Municipality's network has been isolated.
- (7) In the case where a consumer needs a supply larger than 200kVA, the consumer shall supply its own miniature-substation and MV electrical equipment, according to the Municipality's standards and specifications (Owners Miniature-substation), which will be the consumer's full responsibility to install, maintain and replace, in case of damages or found to be faulty.
- (8) Although the Municipality's responsibility ends at the boundary of the stand, the Municipality reserves the right of access, to inspect, test or verify the equipment.

#### **34. Substation accommodation**

- (1) The Municipality may require the Owner of property to provide and maintain accommodation which shall constitute a substation and which must consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The accommodation must be situated at a point to which free, adequate and unrestricted access is available at all times for

purposes connected with the operation and maintenance of the equipment.

- (3) The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation must be provided by the applicant at the cost of the Municipality.
- (4) The substation accommodation shall comply with specified requirements and dimensions determined by the Municipality and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.
- (5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.
- (6) Where in the opinion of the Municipality the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Municipality, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

## **35. 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 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 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 must, if so required, be forwarded to the Municipality for

approval before any material in connection therewith is ordered or commenced with the connection.

### **36. Standby supply**

- (1) Standby supply of electricity for any premises having a separate source of electricity supply shall, only be supplied with the written consent of the Municipality, according to the Municipality's standards and specifications.
- (2) Upon interruption of the electricity supply the Municipality may supply standby electricity in any manner as necessary.

### **37. Consumers alternate electricity supply equipment and generation**

#### **Provision of electricity services**

- (1) Subject to subsection (2) below, only the Municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.
- (2) The Municipality may permit the connection of an embedded generation system to its electrical grid. The Municipality may permit the bulk supply or retail wheeling of electricity through its electrical grid by another electricity supplier which is licensed to supply electricity in terms of the Electricity Regulation Act.
- (3) In accordance with the requirements of this by-law and subject to:
  - a) Compliance with the relevant requirements of the Municipality pertaining to the generation of electricity and the safety thereof contained in any guideline or policy issued by the Municipality in respect thereof.
  - b) Registration with the Municipality of all fixed electrical installations where electricity is generated and compliance with the

Municipality's safety and quality requirements contained in any guideline or policy issued by the Municipality in respect thereof.

### **Connection of electrical generation equipment**

- (4) No person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the Municipality's supply mains or service connection except with written permission of the Director Energy Services.
- (5) No alternate electrical generation equipment provided by a customer for his own operational requirements or for the generation of electricity may be connected to any installations without the prior written consent of the Municipality.
- (6) Application for such consent in terms of subsections (4) and (5) above must be made in writing and must include a full specification of the electrical generation equipment and a wiring diagram, as may be further detailed in any guideline or policy issued by the Municipality in respect thereof.
- (7) The electrical generation equipment must 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 electrical generation equipment when the Municipality's supply has been de-energized.
- (8) The customer shall be responsible for providing and installing all such protective equipment and for obtaining a certificate of compliance issued in terms of the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- (9) The Municipality shall not be held responsible for any work done by the electrical contractor/registered person on a customer'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 or the connection of the electrical generation equipment.

- (10) Where the customer's alternate electrical generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment, to the satisfaction of the Director Energy Services.
- (11) Before making any alteration or addition to any electrical generation equipment installed within the area of the supply that requires an increase in electricity supply capacity, or an alteration to the service, the customer shall give notice of his intentions in accordance with the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- (12) Any electrical generation equipment connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the customer at his own expense and in accordance with this by-law and the Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

### **Wheeling of electricity**

- (13) No person may generate electricity by way of a fixed electrical installation and feed into the municipal electricity distribution network unless an agreement has been concluded with the Municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

## **Resale of Electricity**

- (14) Unless authorized by the Director Energy Services, no person may sell or supply electricity supplied to his or her premises or 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 or allow such resale or supply to take place.
- (15) If electricity is resold for use on the same premises, the provisions of the Electricity Regulation Act, No 4 of 2006 shall apply, as specified in Schedule 2 to the Electricity Regulation Act, No 4 of 2006.
- (16) 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 Service Provider.
- (17) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Service Provider.
- (18) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.

## **Standby Supply**

- (19) Standby supply of electricity for any premises having a separate source of electricity supply may only be supplied with the written consent of the Municipality.

(20) Upon interruption of the electricity supply the Municipality may supply standby electricity in any manner as necessary.

### **Metering**

(21) The Municipality shall, at the customer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

### **Norms, standards and guidelines**

(22) The Municipality may from time to time issue Technical Standards detailing the requirements of the Municipality regarding matters not specifically covered in this by-law but which are necessary for the safe, efficient operation and management of the electrical generation equipment.

(23) The Municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.

(24) The norms, standards and guidelines contemplated in subsection (22) may differentiate between communities, geographical areas and different kinds of premises.

### **Unauthorized connections**

(25) No person other than a person whom the Municipality specifically authorizes in writing to do so may directly or indirectly connect, attempt to connect or cause or permit the connection of a new electrical installation or part of a new electrical installation to the supply mains or service connection.

(26) In the case where an electrical installation has been illegally connected on a customer's premises in contravention of this by-law, any policy or guideline issued by the Municipality and/or the Regulations, the Municipality may disconnect the connection of the electrical installation to the municipal distribution network.

(27) The Municipality must give a person referred to in subsection (3) and any person residing in the premises notice of-

- a) the intention to disconnect the electrical installation of such person;
- b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
- c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.

(28) For circumstances other than listed in sub-section (5), where any of the provisions of this by-law or the Regulations are being contravened, the Municipality shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.

(29) The Municipality may disconnect the supply of electricity to any premises or the connection of any electrical installation without notice under the following circumstances:

- a) where there is a case of grave risk to any person or property; or
- b) for reasons of community safety or the safety of emergency personnel.

- (30) After the disconnection contemplated in subsection (1), the fee as prescribed by the Municipality for such disconnection or the reconnection of the service shall be paid by the person concerned.
- (31) In the case where an installation has been illegally reconnected on a customer'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.

## **38. Technical Standards**

The Municipality may issue circulars of technical standards detailing its requirements and standards 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 supply of electricity.

## **CHAPTER 3**

### **RESPONSIBILITIES OF CONSUMERS**

#### **39. Consumer to erect and maintain electrical installation**

- (1) Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and constructed and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Electrical Installation Regulations and the requirements of the Electricity Regulation Act.
- (2) Should any item forming part of an installation not be covered by an incorporated safety standard, approval for the use of such an item shall be referred to an Authorized Inspection Authority (AIA) as

defined in the Electrical Installation Regulations. The Municipality will not undertake this responsibility.

- (3) The Municipality may require the consumer to reimburse it for any expense arising from a fault in the installation.
- (4) Where it is found that a meter, service connection, service protective device or supply mains have been damaged through due to the failure or non-operation of the service protective device, the consumer shall be liable for all charges incurred by the Municipality in removing, overhauling or replacing if irreparably damaged, and reinstalling the meter and/or service protective device or supply mains.
- (5) Should the damage have resulted in the metering recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his or her estimated consumption from the date it can accurately be determined the meter was damaged, according to the Electricity Supply Charges as determined from time to time.

## **40. Fault in electrical installation**

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer must immediately disconnect the electricity supply and without delay give notice thereof to the Municipality and where possible, take steps to remedy the fault.
- (2) The Municipality may recover from the consumer the costs for any expense to which it may be put in connection with a fault in the electrical installation.

## **41. Discontinuance of use of supply**

- (1) In the event of a consumer desiring to discontinue using the electricity supply, he or she must give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing

which he or she shall remain liable for all payments due until the expiration of two working days after such notice has been given.

- (2) This is not applicable for “Off-grid” purposes.

## **42. Change of occupier**

- (1) A consumer vacating any premises must give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he or she must apply in terms of section 3 of this By-law, and if he or she fails to apply for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity may be disconnected.
- (3) The said person shall be liable for the electricity consumption from the date of occupation till such time as the supply is so disconnected.
- (4) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be regarded to be the consumer.
- (5) Until such time as an application is made in terms of section 3, he or she shall be liable for consumption at that metering point as well as any outstanding amounts whether accrued by that person or not.
- (6) The Municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous consumer's account is in arrears.
- (7) In the event of change of Ownership, a new certificate of compliance (COC) for the premises shall be issued by an accredited and locally registered electrician, unless the existing certificate was issued within the preceding 24-month period and no subsequent alteration of the electrical installation was effected.

### **43. Service apparatus**

- (1) The consumer shall be liable for all costs 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 caused by an occurrence of natural forces 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 or removed without its permission, or has been damaged so as to render re-connection dangerous, the Owner or occupier of the premises during such period shall bear the cost of overhauling or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall rest upon 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**

#### **44. Service connection**

- (1) All consumers shall comply with the requirements of SANS 10142-1 and/or SANS 10142-2 where applicable.
- (2) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (3) Notwithstanding the fact that the consumer bears the cost of the service connection, Ownership of the service connection, laid or

erected by the Municipality, shall vest in the Municipality and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.

- (4) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (5) The work to be carried out by the Municipality at the cost of the consumer for a service connection to his or her premises shall be determined by the Municipality.
- (6) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (7) The Municipality may require a consumer to replace an overhead connection with an underground service connection when overhead services are damaged, or where upgrading of the electrical network is required, or where it poses a threat to the installation.
- (8) The consumer must provide, fix or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (9) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but may not be less than 10mm<sup>2</sup> (copper or copper equivalent), and all conductors must have the same cross-sectional area, unless otherwise approved by the Municipality.
- (10) The electrical networks are designed to meet specific targets; therefore, any residential dwelling requiring an upgrading will then be dependent on the designed electrical network in the specific area. With any application for upgrading an approved rezoning certificate will be required.
- (11) Unless otherwise approved, the Municipality shall only provide one service connection to each registered stand.

- (12) Where two or more premises belonging to one Owner are situated on adjacent stands and the properties are operated in a consolidated manner, only a single bulk supply of electricity may be made available, provided that the Municipality may require the consumer to consolidate the stands or have them notarially tied.
- (13) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the Municipality.
- (14) The service conductor or cable within the meter-box must terminate in an unobscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.
- (15) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables must be laid from the common metering room or rooms to each individual consumer in the block of buildings, alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.
- (16) If any of subsection 1-14 is not adhered to, a fine will be issued to the consumer according to the Electricity Supply Charges as determined from time to time.

## **45. Metering accommodation**

- (1) The consumer must, if required by the Municipality, provide accommodation in an approved position, the meter-board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.
- (2) Such accommodation and protection must be provided and maintained at the cost of the consumer or the Owner and must be situated, in the case of credit meters, at a point to which free and unrestricted access must be available for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

- (3) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment must be provided.
- (4) The consumer or, in the case of a common meter position, the Owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (5) Where the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer must remove it to a new position, and the cost of such removal must be borne by the consumer.
- (6) No apparatus other than that used in connection with the supply of electricity and use of electricity, may be installed or stored in such accommodation, unless approved by the Municipality.
- (7) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices and no apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved.
- (8) All meter rooms shall be secured by means of a Municipality lock – no unauthorized entry permitted.
- (9) Should the consumer fail to comply with the stipulated requirements within the stated time period, the Municipality shall have the right to disconnect the supply, or to take other appropriate action and the consumer shall bear the cost of this action.

## CHAPTER 5

### SYSTEMS OF SUPPLY

#### 46. Load requirements.

Alternating current supplies shall be provided as prescribed by the NRS048 and the Electricity Regulation Act, 2006 (Act No 4 of 2006).

#### 47. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 18.4kVA, the electrical installation shall be arranged for a two-wire single phase supply of electricity, unless otherwise approved by the Municipality.
- (2) Where a three phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 20%, unless otherwise approved by the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA may be connected to the electrical installation without the prior approval of the Municipality.

#### 48. 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 must, at his or her own cost, install the necessary

equipment to filter out the interference and prevent it reaching the supply mains.

## 49. Supplies to motors

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

### (1) Limited size for low voltage motors—

The rating of a low voltage single-phase motor shall be limited to 2kW or the starting current may not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

### (2) Maximum starting and accelerating currents of three-phase alternating current motors. —

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm <sup>2</sup> , copper	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line(6 x full-load kW)	Star/Delta(2,5 xfull-load kW)	Other means(1,5xfull-load 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

### (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.

## **50. Power factor**

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

## **51. Protection**

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

## **52. Nominal supply voltage**

The nominal supply voltage at which a supply is given shall be determined by the Municipality as necessitated by technical considerations to ensure efficient operation of supply mains.

# **CHAPTER 6**

## **MEASUREMENT OF ELECTRICITY**

### **53. Metering**

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately

rated metering equipment at the point of metering for measuring the electricity supplied.

- (2) All new household connections will be done through prepayment meters. No existing prepayment meter will be replaced with a credit meter, except with special approval.
- (3) The Municipality reserves the right to replace a credit meter with a prepayment meter at any time, including the relocation of the meter out of the premises. In both cases the costs might be charged against the consumers' account.
- (4) During renovation or upgrading work done on the premises including portions or total of the electrical installation where the existing meter is inside the building, the meter will be relocated to the boundary of the stand in a suitable meter box at the Owners cost.
- (5) 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 55(2) of this By-law, in which case the consumption for the period shall be estimated.
- (6) The amount of electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.
- (7) The reading shown by a meter shall be *prima facie* proof of the electrical energy consumed and the maximum demand during the meter reading period and an entry in the Municipality's books shall be *prima facie* proof that the meter showed the reading which the entry purports to record.
- (8) Where the electricity consumed by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

- (9) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for buildings as a whole or for individual units, or for group of units.
- (10) No alterations, repairs or additions or electrical connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipality.
- (11) In case of a solar installation, a bi-directional (4 quadrant / smart) prepayment meter shall be installed by the Municipality at the cost of the consumer, according to the Municipality's SSEG Requirements Document, section 1.3.i & ii. The installed bi-directional (4 quadrant / smart) prepayment meter shall remain the property of the Municipality.

#### **54. Accuracy of metering**

- (1) A meter shall be presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, 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 its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality must in accordance with the provisions of subsection (6)—
  - (a) in the case of a credit meter, adjust the account rendered;
  - (b) in the case of prepayment meters—
    - (i) render an account where the meter has been under-registering; or
    - (ii) issue a free token where the meter has been over-registering;
- (3) Should a consumer or owner have reason to believe that a meter is not registering correctly he/she may give written notice to the Municipality that he/she requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of

meters and the Municipality shall as soon as possible thereafter subject the meter to testing.

- (4) If the metering equipment is found to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (7) must be made.
- (5) In case of a dispute, the consumer shall have the right, at his/her own cost, to have the metering equipment in dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (6) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (7) The fee payable in terms of subsections (3) and (5) shall be refunded if the meter is shown by the test to be registering incorrectly.
- (8) When an adjustment is made in terms of subsection (2) or (4), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (6), 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.
- (9) When an adjustment is made as contemplated in subsection (8), the adjustment may not exceed a period of 36 (thirty-six) months preceding the date on which the metering equipment was found to be inaccurate. The consumer can claim back overpayment accordingly, for a period, not exceeding 36 (thirty-six) months.
- (10) Where the actual load of a consumer differs from the initial estimated load provided for under section 47(1) of this By-law, 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 which may include the payment of Bulk contribution levies.

(11) Prior to the Municipality making any upward adjustment to an account in terms of subsection (8), the Municipality must—

- Notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- In such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
- 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 his or her account should not be adjusted as notified.

(12) Should the consumer fail to make any representations during the period referred to in subsection (11) c), the Municipality shall be entitled to adjust the account as notified in subsection (11) (a).

(13) The Municipality shall consider any reasons provided by the consumer in terms of subsection (11) c) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.

(14) If the representation made by the consumer is rejected, the Municipality shall be entitled to adjust the account as notified in terms of subsection (11) a), subject to the consumer's right to appeal the decision of the official in terms of section 65 of this By-law.

## **55. Reading of credit meters**

- Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum amount due shall be assessed accordingly.
- If for any reason the credit meter cannot be read, or where electricity supplied by the Municipality to a premises is in any way taken by the consumer without such electricity passing through any measuring device provided by the Municipality, the Municipality may, for the purpose of rendering an account, make an estimate in accordance with section 55(3), of this By-law, of the quantity of electricity supplied

to the consumer during the period that the credit meter cannot be read and/or the period electricity is so taken as stipulated by the consumer.

- (3) For the purposes of section 55(2), of this By-law, an estimate of the quantity of electricity supplied to a consumer must be based on
  - i. the average monthly consumption of electricity on the premises registered over 3 (three) successive measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in section 55(2), of this By-law, was discovered and rectified, and/or
  - iii. the period preceding the date referred to in section 55(2), of this By-law, but not exceeding 36 (thirty-six) months.
- (4) 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.
- (5) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed tariff and at least two days' notice to the Municipality.
- (6) If any calculation, reading or metering error is discovered in respect of any account rendered to a consumer, the error must be corrected in subsequent accounts.
- (7) Any such correction 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 tariff applicable during the period.
- (8) The application of this subsection (6) does not prevent a consumer from claiming back overpayment for any longer period.

## **56. 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.
- (4) The Municipality shall not be liable for the re-instatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of prepayment meters or tokens.
- (5) 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**

### **ELECTRICAL CONTRACTORS**

#### **57. Electrical contractor's additional requirements**

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 authorized official of the Municipal Energy Services Directorate may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may be inspected, tested and connected to the supply mains as though it were a complete installation.

- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality in no way relieves the electrical contractor or accredited person or the user or lessor, from his or her responsibility for any defect in the installation.
- (3) Such examination, test and inspection shall not be taken done in away (even where the electrical installation has been connected to the supply mains) as to indicate or guarantee in any way that the electrical installation has been carried out according to specifications and safety standards, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

## **58. Liability for work by contractors**

The Municipality shall not be held responsible for the work done by the electrical contractor or 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**

## **COST OF WORK**

### **59. Cost of work**

The Municipality may repair and make good any damage done in contravention of this By-law and the cost of any such work shall be for the account of the person who acted in contravention of this By-law.

## CHAPTER 9

### ENERGY SAVING MEASURES AND REDUCED USE OF ELECTRICITY

#### 60. Norms, standards and guidelines

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

## CHAPTER 10

### ELECTRICITY SUPPLY TO ADDITIONAL DWELLING UNIT

#### 61. Application for electricity supply

In recognizing the application, the Municipality shall consider applications for electricity supply to additional dwelling unit, only after rezoning.

#### 62. Conditions for supply

The Municipality may approve an application in terms of section 61 on the following conditions—

- a) That the network capacity is sufficient to carry the additional load; and
- b) If more than one consumer on the same premises has to be provided with a separate connection, such consumer shall be responsible for upgrading of the network and be responsible for payment of the prescribed tariff for such upgrading including the payment of bulk contribution levies where applicable.

## CHAPTER 11

### GENERAL PROVISIONS

#### 63. 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 and set and determine the period for which such exemption is granted;
  - b) Alter or cancel any exemption or condition in an exemption; or
  - c) Refuse to grant an exemption in which case the applicant must be informed of the reasons for refusal.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the Municipality, however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

#### 64. Liaison forums in community

- (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 within this By-law.
- (2) A liaison forum may consist of—
  - a) A member or members of an interest group, or an affected person;
  - b) A designated official or officials of the Municipality; and
  - c) A Municipality.
- (3) The Municipality may—

- a) When considering an application for consent, permit or exemption in terms of this By-law, request the input of a liaison forum,
- b) A liaison forum or any person may on own initiative submit an input to the Municipality for consideration.

## **65. Appeal**

A person whose rights are affected by a decision delegated by the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the municipal Director within 21 days of the date of the notification of the decision.

## **66. Offences and Penalties**

Any person who contravenes any of the provisions of this By-law shall be guilty of an offence and shall on conviction be liable to— a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and, in the case of a continuing offence to 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, a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure. With reference to “Electricity Supply Fine Schedule”.

## **67. Repeal of By-laws**

The provisions of the STANDARD ELECTRICITY BY-LAW published under Administrator’s Notice 1959 on 11 September 1985 is hereby repealed as far as it relates to matters provided for in this By-law.

**68. Short title and commencement**

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