

Local Authorities (Sewerage) Law, 1962 (Abridged Translation)

Chapter One: This Chapter includes definitions of the following terms:
"private sewer", "public sewer", "main sewer", "sewer system",
"sewage", "owner" or "occupier" of a property,
"engineer of the local authority", "property",
"local authority", "council" of the local authority, and
"health authority".

Chapter Two: Functions and Powers of Local Authority

Installation of sewer-system by authority

2. A local authority may, and upon the demand of the Minister of the Interior, shall install a sewer-system within its area or within any part thereof.

Special powers as to installation of sewer-system

3. In installing a sewer-system, the local authority may, within its area --

- (1) lay sewers under any street;
- (2) carry out any work upon any structure or installation situated under any street, including the demolition of any such structure or installation, as may be necessary in order to remove obstruction to the sewer system;
- (3) lay pipes connecting any property to a public sewer, and run the sewer-system across or under any land, after giving notice to the owners of the properties.

Work outside area of local authority

5. The local authority may, with the approval of the Minister of the Interior, exercise its powers under section 3 outside its area in so far as it is necessary so to do in order to remove sewage from its area or otherwise to dispose of sewage. In respect of the exercise of powers as aforesaid within the area of another local authority and not agreed to by that authority, the Minister of the Interior shall not give his approval before a committee appointed by him for that purpose has investigated the matter and submitted its findings to him.

Compensation for damage caused by installation of sewer-system

6. In carrying out work on a sewer-system under this Law, the local authority shall as far as possible avoid causing damage and shall pay compensation for any damage caused in carrying out such work.

Sewers--the property of the local authority

8. A sewer-system laid by a local authority within its area,

whether before or after the coming into force of this Law, shall be the property of that local authority.

Acquisition of sewers by local authority

9. A local authority may acquire within its area, in any manner whatsoever, a sewer-system or any right in a sewer-system situated within its area if the engineer of the local authority has certified that the sewer-system is in proper condition and that the expense of purchasing it will not exceed the expense involved in installing a new sewer-system; in estimating the expense, account shall be taken of the estimated period for which the existing sewer-system is still serviceable and the estimated period of use of a new sewer-system.

Maintenance of sewer-system

10. A local authority shall maintain its sewer system in proper condition, to the satisfaction of the health authority.

Alterations to sewer

11. The installation, alteration, blocking-up or demolition of a sewer-system shall be carried out in such a manner as to not cause any public nuisance or danger to public health and in accordance with the directions of the health authority.

Agreement as to connection of property situated outside the area

12. A local authority may permit the owner or occupier of any property situated outside its area to connect a private sewer situated on his property to the sewer-system of the local authority on conditions agreed upon with it and, if the property is situated within the area of another local authority, with that local authority.

Approval by District Commission, Minister of Health and Minister of Agriculture

13. (a) A scheme for the installation of a sewer-system shall require the approval of the District Building and Town Planning Commission and of the Minister of Health or a person appointed by him in that behalf.

(b) A scheme for the installation of a plant for the purification of waste-water or for the removal of waste-water from the area of the local authority shall require also the approval of the Minister of Agriculture or of a person appointed by him in that behalf.

Sewer-system works at historical site or holy places

14. On a historical site, within the meaning of the Antiquities Ordinance, a sewer-system shall be installed only with the consent of the Minister of Education and Culture or a person appointed by him in that behalf. In a holy place, within the meaning of the Palestine (Holy Places) Order in Council, 1924, a sewer-system shall be installed only with the consent of the Minister of Religious Affairs or a person appointed by him in that behalf.

Sale of waste water

15. Subject to the provisions of the Water Law, 1959, and the directions issued thereunder, a local authority may sell its sewage-water under such conditions as it may see fit, provided that it is can ensure, to the satisfaction of the health authority, that the sewage water will not become a public nuisance.

Chapter Three: Sewer-System Charge and Sewer-System Fee

Notice of installation of a sewer-system

16. Where a local authority has decided to install or purchase a sewer-system, it shall deliver to the owner of every property which the sewer-system is to serve a notice of every stage about to be installed or purchased, that is, a public sewer, main sewer or other installation other than a purification plant; the contention that a notice as aforesaid has not been delivered to the person liable to payment in consequence of the notice shall be heard only from the person liable himself.

Sewerage charge to be fixed by bylaw

17. The owner of any property to whom a notice of the installation or purchase of a sewer-system which is to serve that property has been duly delivered shall be liable to a sewerage installation charge (hereinafter referred to as "the charge") at the rate fixed by bylaw...the charge shall be levied for the purpose of covering the expense of installing or purchasing the sewer-system.

Criteria for calculating rate of charge

18. The bylaw shall fix the rates of the charge in accordance with the following rules:

- (1) the rates shall be fixed per square meter of land and per square meter or cubic meter of building;
- (2) the number of square meters or cubic meters of building shall, for the present purpose, be determined according to what has actually been built in all the stories of the building or according to what is permitted to be built on the property under any town planning scheme in force in that locality or under a building permit under the Town Planning Ordinance, 1936, whichever is the larger area or volume;
- (3) notwithstanding the provision of paragraph (2), a local authority may prescribe, by bylaw, that the number of square meters or cubic meters of building shall be determined according to what has actually been built in all the stories of the building, and upon its doing so, the owner of the property shall be liable to a charge on each additional square meter or cubic meter of building added to the property after the delivery of the notice under section 16, at the rate in force at the time when the construction of the addition is completed.

Works surcharge

19. In respect of land from which, and from the structures on which, not less than one cubic meter of waste water per hour per dunam,

or not less than four cubic meters of waste water per twenty-four hours per dunam, or a type of waste water requiring additional expenditure in installing the sewer-system, is discharged, there shall be added to the charge, as a part thereof, a works surcharge fixed by a charge committee appointed by the local authority (hereinafter referred to as "the committee") and not exceeding the extra expenditure incurred in installing the sewer-system by reason of the maximum load per hour or twenty-four hours per dunam or by reason of the type of waste water as aforesaid; provided that --

(1) the owner of any property used only for residential and/or office purposes shall be exempt from the payment of a works surcharge in respect of that property;

(2) where any property is used in part for residential or office purposes, then, for the purposes of the liability to pay a works surcharge, the quantity of waste water discharged from that part shall not be taken into account.

Determination of quantity of waste water

22. (a) For the purposes of section 19, the committee shall be competent to estimate the present or future quantity of waste water discharged from any property.

(b) Where an estimate has not been made and a demand for payment has been submitted to the owner of the property under section 28, the quantity of waste water discharged from the property shall be deemed to be less than one cubic meter per dunam per hour and less than four cubic meters per dunam per twenty four hours.

Rules for the estimate of quantity of waste water

23. The committee shall estimate the quantity of waste water discharged from a particular property and shall determine the nature of such waste water according to the condition and modes of use of the property at the time of the delivery of the notice under section 16.

Estimate in case of building for which there is a building permit

24. Where at the time of the delivery of the notice under section 16 a building permit is in force in respect of a particular property, then, for the purposes of the works surcharge, the building shall be deemed to have been erected in accordance with the terms of the permit and to be used for the purpose specified therein, and the prospective quantity of waste water discharged from the property shall be estimated, and the type of such water determined, accordingly. This provision shall not apply to a local authority which collects a charge under section 18 (3).

Changes after imposition of charge

25. Where, after the delivery of a notice under section 16, the use of the property has changed, or other changes have occurred in respect thereof, in such manner that section 19 becomes applicable thereto, the owner of the property shall reimburse to the local authority the expenditure incurred by it in respect of the

sewer-system in consequence of the change. In a local authority which collects a charge under section 18 (3), this provision shall not apply to damages resulting solely from an addition to a building.

Grading of charge

26. The bylaw may grade the charges according to different zones of the area of the local authority.

Sewerage Fee

37. A local authority may, by bylaw, impose on the occupiers of properties connected to a sewer-system a fee to cover the cost of maintaining it (such fee being hereinafter referred to as a "sewerage fee")....

Criteria for sewerage fee

38. (a) The sewerage fee may be graded and shall be levied according to a criterion prescribed by the local authority by bylaw.

(b) In the case of a property used for industry or handicraft, the criteria prescribed by the local authority, under subsection (a), for the sewerage fee shall be the nature and quantity of the waste water and its effect on the sewer-system, and the local authority may add other reasonable criteria.

Chapter Four: Carrying Out of Work on Demand

Power to demand carrying out of work

40. (a) The chairman of the council may, if he deems it necessary so to do in the interests of the proper discharge of waste water from any property, or in order to prevent damage to the sewer-system or to ensure its proper functioning, or in order to prevent or remove a sanitary nuisance, demand in writing of the owner of the property to carry out, to the satisfaction of the health authority, within the time and on the conditions prescribed in the demand, the following works:

- (1) the installation of a private sewer for his property;
- (2) the connection of a private sewer situated on his property to a public sewer or the repair of a connection deemed unsatisfactory by the health authority;
- (3) the alteration or repair of a private sewer situated on his property.

(b) A person who considers himself aggrieved by a demand of the chairman of the council under this section may within the time set him for carrying out the work, apply for the cancellation or variation of the demand to the Magistrate's Court in whose area of jurisdiction the property in question is situated....The decision of the District Court on an appeal against a decision of the Magistrate's Court under this section shall be final.

Power of the Council to carry out work

41. Where the owner of any property does not comply with a demand of the chairman of the council under section 40, the chairman of the council may carry out the necessary work and collect the expenses thereof from the owner of the property, and an application of the owner of the property under section 40 (b) shall not stay the carrying out.

Carrying out not to release from criminal responsibility

42. The carrying out of work by the chairman of the council under section 41 shall not release the owner of the property from criminal responsibility under this Law or any other enactment.

Chapter Five: Offenses and Penalties

Prohibition of a discharge of a harmful matter

43. A person who knowingly suffers any solid or liquid matter to pass from any property owned, controlled or occupied by him into a sewer-system in a manner likely to obstruct the proper flow of the sewage water or to damage the sewer system shall be liable to a fine of 4,500 new shekels and to an additional fine of 250 new shekels in respect of each day the offense continues after delivery of a warning from the chairman of the council, and shall compensate the local authority for any damage caused to it by his offense.

Prohibition of discharge of rainwater

44. A person who knowingly suffers rainwater to discharge into a sewer without prior written permission from the chairman of the council shall be liable to a fine of 4,500 new shekels and to an additional fine of 250 new shekels in respect of each day that the offense continues after delivery of a warning from the chairman of the council.

Provision as to property owner who has carried out work otherwise than in accordance with demand

45. A property owner who has carried out work otherwise than in accordance with the terms of a demand under section 40 shall be dealt with in like manner to a person guilty of an offense under section 35 of the Town Planning Ordinance, 1935, and for that purpose, the Court or the local authority shall have all the powers of the Court or the Local Commission, as the case may be; under the said section and under sections 36 to 36J of that Ordinance as if the property owner had carried out work otherwise than in accordance with the conditions of a permit under the said Ordinance.

Other offenses

46. (1) A property owner who does not comply with a demand under section 40 whose cancellation or variation can no longer be applied for;

(2) a person who obstructs an employee of a local authority or an employee of the health authority in exercising his powers under section 48;

shall be liable to a fine of 4,500 new shekels or to imprisonment for a term of six months.

Chapter Six: General Provisions

Permission to connect private sewer to sewer-system

47. A property owner may, on conditions prescribed by the local authority, connect a private sewer situated on his property to a public sewer.

Right of entry

48. A person generally empowered in that behalf by the local authority or by the health authority may, at any reasonable time, enter any property with a view to doing thereon any work necessary for the carrying out of their functions under this Law or with the regulations made thereunder....

Provision as to the State

49. For the purposes of this Law, the State shall have the status of any other owner or occupier of property.

Saving of other power and obligations

50. A power under this Law shall not derogate from any power under any other enactment, and the fulfillment of any obligation under this Law shall not release from any obligation under any other enactment.

Mutual liability of owners

52. Where any obligation is imposed by or under this Law on the owner of any property, all those who are owners of that property, within the meaning of this Law, shall be jointly and severally liable for the fulfillment of that obligation, and any relief validly granted to the owner of the property in respect of the fulfillment of an obligation as aforesaid shall be granted also to them. If one of them has fulfilled the obligation, the others shall share in his expenses or otherwise compensate him, as may be laid down by agreement between them or, in the absence of an agreement, having regard to the share of enjoyment of each of them in the property.

Implementation and regulations

55. (a) The Minister of the Interior is charged with the implementation of this law and may, after consultation with the Minister of Health, make regulations as to any matter relating to such implementation and, inter alia, regulations as to --

- (1) materials to be used for spare parts and accessories of sewers;
- (2) the obligation to install appliances for the purification of waste water as part of a private sewer;
- (3) the composition of committees and the qualifications of their members.

(b) The Minister of the Interior, after consultation with the Minister of Agriculture and the Minister of Health, may make

regulations concerning the fixing of times for the use of a sewer-system and concerning the modes of submitting and approving plans for the purification installations of a main sewer network.