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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Local Authorities Law (Sewerage), 5722 - 1962

Chapter One: Interpretation

Definitions:

1. In this Law –

“Private sewer” – a sewer which serves one property, including connections;

“Public sewer” – a sewer which serves several properties and into which only wastewater from private sewers is discharged;

“Intercepting sewer” – a sewer into which wastewater mainly from public sewers is discharged;

“Sewerage” – a public or intercepting sewer and all their installations as well as wastewater purification installations;

“Owner” or “holder” of a property – its owner and holder for the purpose of property tax levied by the municipality or local council;

“The council” – the local authority council;

“Local authority engineer” – an engineer appointed by the council for that purpose;

“Property” – building or land within the bounds of the local authority, other than a street;

“Head of the council” – including those empowered by him in writing;

“Local authority” – municipality, local council or association of towns whose functions include installation or maintenance of a sewerage system;

“Health authority” – any person appointed by the Minister of Health for that purpose, through a general or special direction;

“Wastewater” – waste carried away from properties by a flow of water and also the groundwater or rainwater that may be found in such water.

Chapter Two: Functions and powers of a local authority

Installation of sewerage system by the authority

2. A local authority may, and upon the demand of the Minister of the Interior, is obliged to install a sewerage system within its bounds or within any part thereof.

Special powers in the installation of sewerage system

3. In installing a sewerage system within its bounds, the local authority may –
 - (1) lay sewers under any street;
 - (2) perform 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 sewerage system.
 - (3) Lay pipes connecting any property to a public sewer and run the sewerage system through or under any land, after giving notice to this effect to the property owners.

Properties used for security purposes

4. A local authority shall not exercise the powers specified in section 3 in properties held by the Israel Defense Forces or used for any other security purposes, as approved by the Minister of Defense, unless with the consent of a person appointed by the Minister of Defense for that purpose.

Works outside the bounds of the local authority

5. The local authority may, with the approval of the Minister of the Interior, exercise its powers under section 3 also outside its bounds in so far as it is necessary for the removal of wastewater from its area or to otherwise deal with them; in respect to exercising the said powers within the bounds of another local authority without the agreement of that authority, the Minister of the Interior shall not give approval until after a committee, that he will appoint for that purpose, investigates the matter and submits its conclusions to him.

Compensation for damage caused by sewerage installation

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

Arbitration:

7. A person claiming compensation in accordance with section 6 and the local authority may agree on transferring the decision for arbitration to which the Arbitration Ordinance shall apply.

Sewers – the property of the local authority

8. A sewerage system installed by the local authority within its bounds, whether before or after the entry into force of this Law, is the property of that local authority.

Purchase of sewers by the local authority

9. A local authority may purchase in its bounds, in any manner whatsoever, a sewerage system or any right in a sewerage system within its bounds, if the local authority engineer has certified that the sewerage system is in proper condition and that the expenses for its purchase shall not exceed the expense involved in installing a new sewerage system; in estimating these expenses, the difference between the estimated period for which the existing sewer is still serviceable and the estimated period of use of the new sewerage system shall be taken into account.

Maintenance of sewerage systems

10. The local authority shall maintain its sewerage systems in proper working order to the satisfaction of the health authority.

Alterations to sewerage systems

11. The installation of a sewerage system and any alteration to it, as well as its blocking-up or demolition, shall be carried out in such a manner that they shall not cause a public hazard or danger to public health and in accordance with the requirements of the health authority.

Agreement on the connection of property located outside the bounds

12. A local authority may permit the owner or holder of a property located outside its bounds to connect a private sewer in his property to the local authority's sewerage system on terms agreed upon with it and, if the property is located within the bounds of another local authority – also with that local authority.

Approval of the District Commission, Minister of Health, Minister of Agriculture and Minister of National Infrastructures (Amendment no. 6) 5766-2006

13. (a) The installation plan of a sewerage system requires the approval of the District Building and Town Planning Commission and the Minister of Health, or a person appointed by him for that purpose.

(Amendment no. 6) 5766-2006

- (b) A plan for the installation of wastewater purification and disposal installations from the sewerage system to an area outside the bounds of the local authority also requires approval of the Minister of Agriculture and the Minister of National Infrastructures, or a person appointed by them for that purpose.

Sewerage works at historical sites or holy places

14. A sewerage system shall not be installed in a historical site, as per its meaning in the Antiquities Ordinance, except with the consent of the Minister of Education and Culture or a person appointed by him for that purpose; in a holy place, as per its meaning in the Palestine (Holy Places) Order in Council 1924, a sewerage system shall not be installed except with the consent of the Minister of Religious Affairs or a person appointed by him for that purpose.

Sale of wastewater

15. A local authority may, under the provisions of the Water Law, 5719-1959, and in accordance with its provisions, sell its sewage water under any terms it may deem fit, as long as it can assure, to the satisfaction of the health authority, that the sewage water shall not become a public hazard.

Chapter Three: Sewerage system levies and fees

Notice of sewerage system installation (Amendment no. 1) 5732-1972

16. Where a local authority decides to install or purchase a sewerage system, it shall notify the owner of any property which the sewerage system shall serve of every stage intended for installation or purchase, namely – public sewer, intercepting sewer, purification plant not designated for the production of drinking water and other installation, and the claim that the said notice was not delivered to the person liable for payment in consequence of that notice, shall be heard only from the liable person himself.

Sewerage levy to be determined in bylaw

17. Owners of any property to whom a notice of the installation or purchase of a sewerage system which shall serve that property was duly delivered, shall be liable to a sewerage installation levy (henceforth – the levy), at a rate to be determined by bylaw for each stage aforementioned in section 16; the levy is imposed for the purpose of covering the installation or purchase of a sewerage system.

Criteria for the calculation of levy rate

18. The bylaw shall determine the levy rates according to the following rules:
 - (1) the rates shall be determined per square meter of land and per square meter or cubic meter of building;
 - (2) a square meter and cubic meter of building shall be calculated for this purpose according to what was built in practice, in all the stories of the building, and according to what is permitted for building on the property under any town building plan in force in that location or under a building permit under the Town Planning Ordinance, 1936, whichever is the larger area or volume;

- (3) notwithstanding that stated in paragraph (2), a local authority may prescribe by bylaw that the number of square meters or cubic meters of building shall be calculated according to what was built in practice in all the stories of the building, and once that is done, the property owner shall be liable to a levy for every 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 construction of the addition is completed

Plant surcharge

19. In respect to land from which and from whose structures, at least one cubic meter of wastewater per hour per dunam, or at least four cubic meters of wastewater per twenty-four hours per dunam, or a type of wastewater which requires additional expenses for the installation of a sewerage system, is discharged, a plant surcharge shall be added to the levy, which shall be determined by a levy committee appointed by the local authority (henceforth – the committee) and which shall not exceed the extra expenses incurred by the installation of the sewerage system by reason of the maximum load per hour or twenty-four hours per dunam or by reason of the type of wastewater as aforementioned; however –
 - (1) the owner of a property used only for residential or office purposes or for both, is exempt from payment of the plant surcharge for that property;
 - (2) where a property is partly used for residential or office purposes, the quantity of wastewater discharged from that part shall not be calculated for the purpose of obligation for payment of the plant surcharge.

Procedures of the committee

20. The committee shall determine its own work procedures, so far as they were not specified by bylaw of the local authority or in its regulations.

Hearing the property owner:

21. The committee shall allow the concerned property owner to present his claims regarding the levy before exercising its powers under this Law.

Determining wastewater quantity

22. (a) For the purpose of section 19, the committee is authorized to estimate the present or future quantity of wastewater discharged from a certain property.
(b) Where an estimate has not been made and a demand for payment has been delivered to the property owner under section 28, the quantity of wastewater discharged from that 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 estimation of wastewater quantity:

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

Estimate in a building with a building permit

24. If, at the time when notice is delivered under section 16, a valid building permit exists for the certain property, that property shall be deemed as one which discharges less than one cubic meter per dunam per hour and less and as one used for the specific purpose specified therein and the estimated quantity of wastewater discharged from that property and its type shall be determined accordingly; this provision shall not apply to a local authority that collects a levy under section 18(3).

Changes after imposition of levy

25. If, after the delivery of a notice under section 16, the use of the property changed or other changes occurred in it, in such a manner that section 19 becomes applicable to that property, the owner of the property shall reimburse the expenditure incurred by the local authority in relation to the sewerage system as a result of that change; this provision shall not apply to a change resulting solely from a building addition in a local authority which collects a levy under section 18(3).

Grading of levy

26. The bylaw may grade the levies according to different areas within the bounds of the local authority.

Prevention of double payments

27. In a property where fees for the installation of a sewerage system were already paid, the owner of the property shall not be liable to pay once again the levy for the stage for which payment was made, whether the sewerage system was purchased or reinstalled by the local authority.

Demand for payment

28. The head of the council shall deliver a demand for payment to the property owners liable for the levy specifying the sum to be paid by the property owner, the details which served as a basis for calculating the levy under this chapter, the due date for payment, the right to appeal, and any other details determined in the bylaw of the local authority or in regulations.

Appeal committee

29. (a) The Minister of Justice shall appoint an appeal committee for the purpose of this Law and shall determine, in consultation with the Minister of the Interior, its schedule and area of jurisdiction.

(b) Every appeal committee shall be composed of three persons: the chairperson of the committee shall be a judge, and two other members shall be appointed upon recommendation of the Minister of the Interior.

(c) The appeal committee shall have all powers that may be conferred on a committee of inquiry under section 5 of the Inquiry Committee Ordinance.

(d) An appeal committee shall not be bound to the rules of evidence but shall operate in a manner it deems most efficient for the clarification of issues pending its decision.

Appeal

30. A property owner who perceives himself aggrieved by a demand for payment under section 28, may, within thirty days of the day of delivery of the demand, appeal against it to the appeal committee, and the committee may approve the demand for payment, with or without changes, or cancel it; the chairperson of the committee may extend the due date for filing the appeal up to sixty days from the day of delivery of the said demand for payment, where he deems this reasonable.

Appeal (Amendment no. 3) 5760- 2000:

31. (a) The appellant and the local authority may appeal the decision of the appeal committee before the Court for Administrative Matters; the decision of the Court for Administrative Matters may not be appealed except with the permission of the Court and on one legal point only.

(Amendment no. 3) 5765-2005:

(b) (Repealed).

Postponement of execution and procedures

32. (a) Filing an appeal under this chapter does not postpone the execution of the payment demand, unless such a decision was made by the chairperson of the appeal committee or the court, as the case may be.

(b) The Minister of Justice may determine in regulations the manner of filing appeals under this chapter, and their procedures, including directions in relation to their expenses.

Payment time

33. The levy shall be paid within three months of the day of delivery of the payment demand to the property owner or on later dates determined in the bylaw or in the demand for payment or by the end of three months from the day of commencement of the installation work in relation to which the levy was imposed, all according to the later date; a certificate from the local authority engineer specifying the date of commencement of the said work shall serve as evidence for this purpose.

34. The Minister of the Interior, in consultation with the Interior Committee of the Knesset, may make regulations on the matter of postponement of the date of the levy payment for different types of property owners to be specified in regulations.

Execution of levy obligation

35. Where the levy is not paid on the date determined under section 33 or 34, the local authority may execute the obligation, according to a certificate from the head of the council, in the same manner a sentence of the Magistrate's Court is executed, except when the demand for payment demand was postponed under section 32.

(Amendment no. 2) 5740-1980:

36. (Repealed).

Sewerage fee (amendment no. 4) 5763-2003

37. (a) A local authority shall, by bylaw, impose on the holders of properties connected to a sewerage system a fee to cover the maintenance cost of its sewerage system (henceforth – sewerage fee); where no tax rate is specified, it may include in the maintenance fee the cost of installing the sewerage system.

(Amendment no. 4) 5763-2003:

(b) Where the local authority did not impose a sewerage fee by bylaw as aforesaid in subsection (a) or the fee imposed as aforesaid does not cover the maintenance costs of its sewerage system, the Minister of the Interior may direct the local authority to make a bylaw or amend the existing bylaw, as the case may be, within a time period that he shall determine.

(Amendment no. 4) 5763-2003:

(c) Where the local authority does not follow the Minister's direction as aforesaid in subsection (b), within the time period he determined, the Minister may impose, in a bylaw that he shall make, a sewerage fee as aforesaid in subsection (a) or amend the bylaw made by the local authority, as the case may be.

Unification of sewerage and water fees:

38. In a local authority which collects a fee for supplying water according to a bylaw the sewerage fee shall be paid as a supplement to the water fee, and any overdue payment shall be handled in a like manner to payment of the water fee.

Criteria for sewerage fees

39. (a) A sewerage fee may be graded and shall be levied according to criteria determined by the local authority by bylaw.

(b) In properties used for industry or handicraft purposes the criteria for the sewerage fee, prescribed by the local authority under subsection (a), shall be the nature, quantity and impact of wastewater on the sewerage system, and the local authority may add any other reasonable criteria.

Chapter Four: Performing of works on demand

Power to demand performance of works

40. (a) A chairperson of the council may, if he deems it necessary for the purpose of proper discharge of wastewater from a certain property, or in order to prevent damage to the sewerage system or to ensure its proper operation, or to prevent or remove a sanitary nuisance, demand in writing from the property owner to perform, to the satisfaction of the health authority, within the time and under 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 that is in his property to a public sewer or the repair of a connection deemed unsatisfactory by the health authority;
- (3) The alteration or repair of the private sewer in his property.

(b) a person who considers himself aggrieved by a demand of the head of the council under this section, may, within the time set for him to perform the work, apply to the Magistrates Court in whose jurisdiction the property in question is located, for the cancellation or amendment of the demand, and while reviewing the application the Court may make any decision the head of the council is entitled to make under this section relating to the property in question. The decision of the District Court on an appeal against a decision of the Magistrate's Court, in accordance with this section, shall be final.

Powers of the council to perform work

41. Where the property owner does not comply with the demand of the head of the council under section 40, the head of the council may perform the necessary works and collect the expenses thereof from the property owner and the application of the property owner under section 40(b) shall not delay the performance.

Performance does not exempt from criminal responsibility:

42. Performance of works by the head of a council under section 41 does not exempt the property owner from criminal responsibility under this Law or any other enactment.

Chapter Five: Offenses and penalties

Prohibition of discharge of harmful materials

43. A person who knowingly allows a solid or liquid material to be discharged from a property owned, controlled or held by him into a sewerage system in a manner which might obstruct the proper flow of the sewerage water or damage the sewerage system, shall be liable to a fine of five hundred lira and an additional fine of fifty lira for each day the offense continues after delivery of a warning from the head of the council, and shall also be required to compensate the local authority for any damage he caused it by his offense.

Prohibition of discharge of rainwater

44. A person who knowingly allows rainwater to flow into the sewerage system without written permission from the head of the council shall be liable to a fine of three hundred liras and an additional fine of thirty liras for each day the offense continues after the delivery of the warning from the head of the council.

Property owner who performed work not in accordance with demand

45. A property owner who performed work otherwise than in accordance with the terms of the demand under section 40, shall be dealt with in a like manner to a person guilty of an offense under section 35 of the Town Planning Ordinance, 1936, and, for that purpose, the court or the local authority shall have all the powers of the court or local committee, as the case may be, under the said section and sections 36 to 36(j) of that Ordinance, as if the property owner performed work otherwise than in accordance with the conditions of a license under the said Ordinance.

Other offenses

46. (1) A property owner who does not comply with a demand under section 40 and no longer has the right to apply for its cancellation or amendment;
(2) A person who disturbs a local authority employee or a health authority employee in exercising their powers under section 48, shall be liable to a fine of five hundred liras or six months imprisonment.

Chapter Six: General provisions

Permission to connect private sewer to sewerage system

47. A property owner may connect a private sewer located on his property to a public sewer, in accordance with provisions prescribed by the local authority.

Right of entry

48. A person generally empowered by the local authority or the health authority for such a purpose may enter, at any reasonable time, any property in order to perform any work necessary for exercising their functions in accordance with this Law and to ensure in any other manner compliance with the requirements of this Law and its ensuing regulations, provided such a person enters a structure only with the consent of its holder, or after delivering a prior notice to the holder

reasonably ahead of time, or when the urgency of the matter requires his entrance even without the said prior notice; but, in relation to property held by the Israel Defense Forces or used in any other manner for security purposes with the approval of the Minister of Defense, such powers may not be exercised unless with the consent of the person empowered by the Minister of Defense for that purpose.

Application to State

49. For the purpose of this Law, the State shall have the same status as that of any other property owner or holder.

Saving of other powers and obligations

50. A power under this Law does not derogate from any power under any other enactment, and compliance with any obligation under this Law shall not exempt from compliance with any obligation under any other enactment.

Delegation of power

51. The Minister of the Interior may delegate his power under this Law, except for the power to make regulations of legislative force.

Mutual liability of owners

52. Where any obligation is imposed by or under this Law on the owner of a property, all those who are considered "owners" of that property, for the purpose of this Law, shall be jointly and severally liable to comply with it, and any relief validly granted to the property owner in relation to complying with the said obligation shall be granted to them as well; if one of them has complied with the obligation, the others are required to share in his expenses or otherwise compensate him as determined in the agreement between them, and in the absence of such agreement – while taking into account the share of pleasure of each of them in the property.

Cooperative housing

53. In the case of an apartment in a cooperative house, as per its meaning in the Cooperative Housing Law, 5713-1952 – any part of such public property that is attached to that apartment shall be deemed as part of the apartment area for the purpose of this Law.

Issue of documents

54. For the purpose of issuing documents under this Law – except for documents whose issue is required for the matter of legal proceedings – the provisions of section 132a of the Municipal Corporations Ordinance, 1934, shall apply, *mutatis mutandis*, as the case may be.

Implementation and regulations

55. (a) The Minister of the Interior is responsible for implementing this Law and may, after consultation with the Minister of Health, make regulations as to any matter relating to the implementation of this Law, and, *inter alia*, regulations as to –
- (1) materials used for spare parts and accessories of sewers;
 - (2) the obligation to install wastewater purification installations as part of a private sewer;
 - (3) composition of the committees and 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 specifying timetables for the usage of a sewerage system and concerning the modes of submitting and approving plans for the purification installations of the intercepting sewerage network.

Repeals and amendments

56. In the Municipal Corporations Ordinance (Sewerage, Drainage and Water), 1936 –
- (1) in the title of that Ordinance and in section 1, “Municipal Corporations Ordinance (Sewerage, Drainage and Water)” shall be replaced with “Municipal Corporations Ordinance (Water Supply)”;
 - (2) the following definitions in section 2 shall be deleted: “cesspool”, “duct”, “engineer” and “sewer”;
 - (3) Part A is hereby repealed;
 - (4) in section 17, “in Part A of this Ordinance” shall be replaced with “in the Local Authorities Law (Sewerage), 5722-1962”;
 - (5) in section 28, “in accordance with sections 7, 10 or 20” shall be replaced with “in accordance with section 20”.

Transitional provisions

57. (a) The bylaws of Municipal Corporations Ordinance, 1934, or the Local Councils Ordinance, 1941, shall no longer apply to sewerage systems whose building began after the entry into force of this Law.
- (b) Where the local authority has duly commenced the installation of an intercepting sewer after 31 December 1959 and prior to the entry into force of this Law, it shall deliver notice thereof to the owners of any property which shall be served by that sewer and shall collect from them the levy in accordance with the provisions of Chapter Three, and such sewer shall not be subject to the participation fees specified in the bylaws as aforesaid in subsection (a).