

# Provincial Gazette

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(Vervolg op bladsy 376)

**MUNICIPALITY OF THE CITY OF CAPE TOWN:**

**WATER SERVICES BY-LAW TO LIMIT OR RESTRICT THE USE OF WATER  
MADE IN TERMS OF SECTION 21 OF THE WATER SERVICES ACT, 108 OF 1997,  
AS READ WITH SECTION 156 OF THE CONSTITUTION**

**1. DEFINITIONS**

In this by-law, unless the context indicates otherwise—

“Council” means the City of Cape Town and includes any authorised committee, functionary or official;

“consumer” means any end user who receives water from Council, including an end user in an informal settlement;

“emergency situation” means any situation declared as such in terms of a law;

“water supply services” means the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial use or water for industrial use.

**2. LIMITATION OR DISCONTINUATION OF WATER SUPPLY SERVICES**

(1) Council may limit or discontinue the provision of water supply services or the use of water where—

- (a) national disasters or regional disasters cause disruptions in the provision of services; or
- (b) sufficient water is not available for any other reason.

(2) Council may differentiate between types of consumers or areas within the Municipal area.

(3) Council may determine the form and manner in which the limitation, discontinuance or use will apply.

(4) Council must, if it intends limiting or discontinuing the provision of water supply services or the use of water in terms of subsection (1), do so in accordance with the procedure set out in section 4, unless—

- (a) other consumers would be prejudiced thereby;
- (b) there is an emergency situation; or

(c) it intends applying the limitation or discontinuation in respect of an individual consumer who has interfered with a limited or discontinued service.

### 3. MEASURES FOR THE PROMOTION OF WATER CONSERVATION

Council may impose measures to limit, discontinue and restrict the use of water for the promotion of water conservation and must do so in accordance with the procedure set out in section 4.

### 4. PROCEDURE

(1) After Council has determined that it wishes to limit or discontinue the supply of water services or the use of water in terms of section 2, or wishes to impose measures to restrict the use of water for the promotion of water conservation in terms of section 3, Council must immediately cause to be conspicuously displayed at a place installed for this purpose at the offices of Council as well as at such other places within the Municipal Area as may be determined by Council, a notice stating—

(a) the general purport of the intended limitation, discontinuation or water conservation measures, including—

(i) the duration of the limitation, discontinuation or water conservation measures, if known;

(ii) the particular use of water to be limited or discontinued or in respect of which water conservation measures are to be applied;

(iii) the area in which the limitation, discontinuation or water conservation measures are to be applied, if they are not applicable throughout the Municipal Area;

(iv) the circumstances in which the proposed limitation, discontinuation or water conservation measures are to be applied, if they are not generally applicable;

(b) the date on which the limitation, discontinuation or water conservation measures shall come into operation;

(c) the date on which the notice is first displayed;

(d) the penalties which will be imposed for contravention of the notice; and

(e) that any person who wishes to object to the intended limitation, discontinuation or water conservation measures must do so in writing within 14 days after the date on which the notice is first displayed.

(3) Council must also immediately cause a copy of the notice referred to in subsection (1) to be published in the press in the manner determined by Council.

(4) Where—

(a) no objection in writing is received within the period referred to in subsection (1)(e), the limitation, discontinuation or water conservation measures shall come into operation on the date contemplated in subsection (1)(b);

(b) an objection is received within the period referred to in subsection (1)(e), Council must consider every objection and may amend or withdraw the intended limitation, discontinuation or water conservation measures and may determine a date other than the date contemplated in subsection (1)(b) on which the limitation, discontinuation or water conservation measures shall come into operation, whereupon it shall cause a copy of the notice referred to in subsection (1), with the necessary changes, to be published in the press in the manner determined by Council and any limitation, discontinuation or water conservation measure will apply from such other date.

### 5. EXEMPTIONS

Any person may apply in writing for exemption from the provisions of any notice published in terms of this By-law and Council may grant exemption and impose conditions in respect of the exemption.

### 6. OFFENCES AND PENALTIES

Any person who—

(1) contravenes the terms of any notice issued under this By-law; or

(2) reconnects a water service which has been discontinued under this By-law,

is guilty of an offence and is liable to payment of a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

### 7. TRANSITIONAL PROVISION

Any limitation or discontinuation of a water supply service or any measure for the promotion of water conservation imposed within the Cape Metropolitan Area prior to the promulgation of this by-law shall be deemed to have been done in terms of this by-law.

**MUNISIPALITEIT VAN DIE STAD KAAPSTAD:****VERORDENING OP WATERDIENSTE OM DIE GEBUIK VAN WATER TE BEPERK OF IN TE KORT, UITGEVAARDIG INGEVOLGE ARTIKEL 21 VAN DIE WET OP WATERDIENSTE, NO. 108 VAN 1997, GELEES MET ARTIKEL 156 VAN DIE GRONDWET****1. WOORDOMSKRYWING**

In hierdie verordening, tensy dit uit die samehang anders blyk, beteken—

“**noodsituasie**” enige situasie wat ingevolge ’n wet as sodanig verklaar is;

“**Raad**” die Stad Kaapstad en ook enige gemagtigde komitee, funksionaris of beampte;

“**verbruiker**” enige eindgebruiker wat water van die Raad ontvang, insluitende ’n eindgebruiker in ’n informele nedersetting;

“**watervoorsieningsdienste**” die onttrekking, vervoer, behandeling en verspreiding van drinkwater, water bedoel vir omskakeling in drinkwater of water vir kommersiële gebruik of water vir nywerheidsgebruik.

**2. BEPERKING OF STAKING VAN WATERVOORSIENINGSDIENSTE**

(1) Die Raad kan die verskaffing van watervoorsieningsdienste of die gebruik van water beperk of staak waar—

- (a) nasionale rampe of streekrampe ontwrigting in die verskaffing van dienste veroorsaak; of
- (b) daar om enige ander rede nie voldoende water beskikbaar is nie.

(2) Die Raad kan tussen tipes verbruikers of gebiede binne die Munisipale Gebied differensieer.

(3) Die Raad kan die vorm waarin en die wyse waarop die beperking, staking of gebruik van toepassing sal wees, bepaal.

(4) Indien die Raad voornemens is om die verskaffing van watervoorsieningsdienste of die gebruik van water ingevolge subartikel (1) te beperk of te staak, moet hy dit doen in ooreenstemming met die prosedure in artikel 4 uiteengesit, tensy—

- (a) ander verbruikers daardeur benadeel sal word;
- (b) daar ’n noodsituasie is; of
- (c) hy voornemens is om die beperking of staking toe te pas ten opsigte van ’n individuele verbruiker wat met ’n beperkte of gestaakte diens ingemeng het.

**3. MAATREËLS VIR DIE BEVORDERING VAN WATERBEWARING**

Die Raad kan maatreëls tref om die gebruik van water te beperk, te staak of in te kort vir die bevordering van waterbewaring en moet dit doen in ooreenstemming met die prosedure in artikel 4 uiteengesit.

**4. PROSEDURE**

(1) Nadat die Raad bepaal het dat hy die verskaffing van waterdienste of die gebruik van water ingevolge artikel 2 wil beperk of staak, of maatreëls wil tref om die gebruik van water in te kort vir die bevordering van waterbewaring ingevolge artikel 3, moet die Raad onmiddellik ’n kennisgewing opvallend laat vertoon op ’n plek wat vir dié doel aangebring is by die kantore van die Raad asook op sodanige ander plekke binne die Munisipale Gebied as wat die Raad bepaal, waarin die volgende vermeld word:

- (a) die algemene strekking van die voorgenome beperking, staking of waterbewaringsmaatreëls, insluitende—
  - (i) die duur van die beperking, staking of waterbewaringsmaatreëls, indien bekend;
  - (ii) die bepaalde gebruik van water wat beperk of gestaak gaan word of ten opsigte waarvan waterbewaringsmaatreëls getref gaan word;
  - (iii) die gebied waarin die beperking, staking of waterbewaringsmaatreëls toegepas gaan word, as dit nie dwarsdeur die Munisipale Gebied toegepas gaan word nie;
  - (iv) die omstandighede waarin die voorgestelde beperking, staking of waterbewaringsmaatreëls toegepas gaan word, as dit nie algemeen toegepas gaan word nie;
- (b) die datum waarop die beperking, staking of waterbewaringsmaatreëls van krag gaan word;
- (c) die datum waarop die kennisgewing die eerste keer vertoon word;
- (d) die strawwe wat opgelê sal word vir oortreding van die kennisgewing; en
- (e) dat enige persoon wat teen die beperking, staking of waterbewaringsmaatreëls beswaar wil aanteken, dit skriftelik moet doen binne 14 dae na die datum waarop die kennisgewing die eerste keer vertoon is.

(3) Die Raad moet ook onmiddellik ’n afskrif van die kennisgewing in subartikel (1) bedoel, in die pers laat publiseer op die wyse wat die Raad bepaal.

(4) Waar—

- (a) daar geen skriftelike beswaar ontvang is nie binne die tydperk in subartikel (1)(e) bedoel, word die beperking, staking of waterbewaringsmaatreëls van krag op die datum in subartikel (1)(b) bedoel;
- (b) daar 'n beswaar ontvang is binne die tydperk in subartikel (1)(e) bedoel, moet die Raad elke beswaar oorweeg en kan die Raad die voorgenome beperking, staking of waterbewaringsmaatreëls wysig of intrek en 'n ander datum as die datum in subartikel (1)(b) bedoel bepaal waarop die beperking, staking of waterbewaringsmaatreëls van krag sal word, waarna hy 'n afskrif van die kennisgewing in subartikel (1) bedoel, met die nodige veranderinge, in die pers moet laat publiseer op die wyse wat die Raad bepaal, en enige beperking, staking of waterbewaringsmaatreëls is van sodanige ander datum van krag.

## 5. VRYSTELLINGS

Enige persoon kan skriftelik aansoek doen om vrystelling van die bepalinge van enige kennisgewing wat ingevolge hierdie Verordening gepubliseer is en die Raad kan vrystelling verleen en voorwaardes stel ten opsigte van die vrystelling.

## 6. MISDRYWE EN STRAWWE

Enige persoon wat—

- (1) die bepalinge van enige kennisgewing wat ingevolge hierdie Verordening uitgereik is, oortree; of
- (2) 'n waterdiens wat ingevolge hierdie Verordening gestaak is, heraansluit,

begaan 'n misdryf wat strafbaar is met 'n boete van hoogstens tien duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sowel sodanige boete as sodanige gevangenisstraf.

## 7. OORGANGSBEPALING

Enige beperking of staking van 'n watervoorsieningsdiens of enige maatreël vir die bevordering van waterbewaring wat voor die afkondiging van hierdie Verordening binne die Kaapse Metropolitaanse Gebied ingestel is, word geag ingevolge hierdie Verordening ingestel te wees. 12891

### UMASIPALA WESIXEKO SASEKAPA:

**UMTHETHO KAMASIPALA KWIINKONZO ZAMANZI EKUNCIPHISENI OKANYE  
KUTHINTELO LOKUSETYENZISWA KWAMANZI OWENZIWE PHANTSI  
KWECANDELO 21 LOMTHETHO OBIZWA NGOKUBA YI-WATER SERVICES ACT, 108 KA-1997,  
XA UFUNDWA NECANDELO 156 LOMGAQO-SISEKO**

### 1. IINKCAZELO

Kulo mthetho kamasipala, ngaphandle kokuba umxholo uchaza ngenye indlela—

**“iBhunga”** lithetha iSixeko saseKapa kwaye liquka nayiphina ikomiti egunyazisiweyo, umphathiswa karhulumente okanye igosa;

**“umsebenzisi weenkonzu”** uthetha nawuphina umntu ongumsebenzisi othi afumane amanzi avela kwiBhunga, ukuquka nomsebenzisi ohlala kwimimandla esematyotyombeni;

**“imeko yexesha likaxakeka”** ithetha nayiphina imeko echazwe kanjalo ngokwasemthethweni okanye kumthetho othile;

**“iinkonzu zonikezelo lwamanzi”** zithetha ukuthatyathwa, ukuhanjiswa, ukuphathwa kunye nonikezelo lwamanzi alungele ukuselwa, amanzi ekukho injongo yokuba aguqulelwe kumanzi alungele ukuselwa okanye amanzi asetyenziselwa urhwebo okanye amanzi asetyenziswa kwimizi-mveliso.

### 2. UKUNCITSHISWA OKANYE UKUPHELISWA KWEENKONZO ZONIKEZELO LWAMANZI

(1) IBhunga linganciphisa okanye liphelise amalungiselelo eenkonzo zonikezelo lwamanzi okanye ukusetyenziswa kwamanzi xa—

- (a) iintlekele kuzwelonke okanye iintlekele kwimimandla zibangela ukuphazamiseka kumalungiselelo eenkonzo; okanye
- (b) amanzi awoneleyo awafumaneki kuso nasiphina isizathu.

(2) IBhunga lingohlula phakathi kweendidi zabasebenzisi beenkonzo okanye imimandla kwingingqi kaMasipala.

(3) IBhunga lingamisa indlela nohlobo oluyakusetyenziswa ngayo olu nciphiso, ukupheliswa okanye ukusetyenziswa kwamanzi.

(4) IBhunga kufuneka, xa lineenjongo zokunciphisa okanye ukuphelisa amalungiselelo eenkonzo zonikezelo lwamanzi okanye ukusetyenziswa kwamanzi ngokwecandelwana (1), lenze njalo ngokuhambelana nenkqubo esekwe kwicandelo 4, ngaphandle kokuba—

- (a) abanye abasebenzisi beenkonzo baya konakalelwa ngokwenza njalo;
- (b) kukho imeko yexesha likaxakeka; okanye
- (c) lineenjongo zokuqalisa unciphiso okanye ukupheliswa ngokunxulumene nomsebenzisi weenkonzu ngamnye othe waphazamisana nenkonzo encitshisiweyo okanye ephelisiweyo.

### 3. AMANYATHELO OKUNYUSA UMGANGATHO WOLONDOLOZO LWAMANZI

IBhunga lingavelisa amanyathelo okunciphisa, okuphelisa kwakunye nokuthintela ukusetyenziswa kwamanzi ngenjongo yokunyusa umgangatho wolondolozo lwamanzi kwaye lingenza njalo ngokuhambelana nomgaqo osekwe kwicandelo 4.

### 4. INKQUBO

(1) Emva kokuba iBhunga limise umba wokuba linqwenela ukunciphisa okanye ukuphelisa unikezelo lweenkonzo zamanzi okanye ukusetyenziswa kwamanzi ngokwecandelo 2, okanye linqwenela ukavelisa amanyathelo okuthintela ukusetyenziswa kwamanzi ekunyuseni umgangatho wolondolozo lwamanzi ngokwecandelo 3, iBhunga kufuneka ngokukhawuleza lenze ukuba loo manyathelo abekwe elubala okanye ngokubonakalayo kwindawo eyenzelwe le njongo kwii-ofisi zeBhunga kwakunye nakwezinye iindawo kuMmandla kaMasipala njengoko oko kuya kuchazwa liBhunga, kwisaziso esichaza ukuba—

(a) injongo jikelele yolu nciphiso kujoliswe kulo, ukupheliswa okanye amanyathelo olondolozo lwamanzi, ukuquka—

(i) ubude bexesha lokuncitshiswa, ukupheliswa okanye amanyathelo olondolozo lwamanzi, xa lisaziwa;

(ii) usetyenziso olulodwa lwamanzi oluza kuncitshiswa okanye lupheliswe okanye ngokumalunga nokuba ngawaphina amanyathelo ayakusetyenziswa kulondolozo lwamanzi;

(iii) ummandla apho olu nciphiso, ukupheliswa okanye amanyathelo olondolozo lwamanzi aza kusetyenziswa khona, ukuba ngaba awasetyenziswa kuMmandla kaMasipala uwonke;

(iv) iimeko eziya kusetyenziswa kolu nciphiso lucetywayo, ukupheliswa okanye amanyathelo olondolozo lwamanzi, ukuba ngaba awasetyenziswa jikelele;

(b) umhla wokuqalisa ukusebenza kolu nciphiso, ukupheliswa kunye namanyathelo olondolozo lwamanzi;

(c) umhla wokuqala wokubhengezwa kwesaziso;

(d) izohlwayo eziya kuveliswa kwabo bachasana nesaziso eso; kunye

(e) nawuphina umntu onqwenela ukuchasa le njongo yokuncitshiswa, ukupheliswa okanye amanyathelo olondolozo lwamanzi kufuneka enze njalo ngokubhala phantsi zingaphelanga iintsuku ezilishumi elinesine (14) emva komhla wobhengezo lokuqala lwesaziso.

(3) IBhunga nalo kufuneka ngokukhawuleza lenze ikopi yesaziso ekuthethwa ngaso kwicandelwana (1) ukuba ipapashwe koonondaba ngendlela eya kuthi ichazwe liBhunga.

(4) Xa—

(a) kungekho nkcaso ebhaliweyo efunyenweyo kwixesha elichaziweyo kwicandelwana (1)(e), unciphiso, ukupheliswa okanye amanyathelo olondolozo lwamanzi aya kuqalisa ukusebenza ngomhla ochaziweyo kwicandelwana (1)(b);

(b) kufunyenwe inkcaso kwixesha elichaziweyo kwicandelwana (1)(e), iBhunga kufuneka liqwalasele nayiphina inkcaso kwaye lingalungisa okanye lirhoxe kule njongo yokunciphisa, ukuphelisa okanye amanyathelo olondolozo lwamanzi kwaye lingamisa umhla ongenguwo umhla ochazwe kwicandelwana (1)(b) nalapho ukuncitshiswa, ukupheliswa okanye amanyathelo olondolozo lwamanzi aya kuthi aqalise ukusebenza, nalapho liya kuthi lenze ikopi yesaziso ekuthethwa ngaso kwicandelwana (1), kunye nenguqulelo ezifanelekileyo, ukuba zipapashwe koonondaba ngendlela eya kuthi ichazwe liBhunga, kananjalo naluphina unciphiso, ukupheliswa okanye amanyathelo olondolozo lwamanzi, aya kuqalisa ukusebenza ukususela ngalo mhla ungomnye.

### 5. UKUKHULULWA KWIMFANELO

Nawuphina umntu angenza isicelo esibhaliweyo sokuba akhululwe kwimfanelo (exemption) yamalungiselelo aso nasiphina isaziso esipapashwe ngokwalo Mthetho kaMasipala kwaye iBhunga linganikezela olu khululo lize liphinde livelise iimeko ezimalunga kwanolu khululo.

### 6. AMATYALA KUNYE NEZOHLWAYO

Nawuphina umntu othe—

(1) wachasana nemigaqo yaso nasiphina isaziso esigqithiswe phantsi kwalo Mthetho kaMasipala; okanye

(2) adibanise ngokutsha inkonzo yamanzi ebitha yapheliswa phantsi kwalo Mthetho kaMasipala,

uya kufunyaniswa enetyala kwaye uya kuba nemfanelo ngokwasemthethweni yokuhlawula isohlwayo esingekho ngaphezulu kwamawaka alishumi eerandi okanye ukuya entolongweni kangangexesha elingekho ngaphezulu kweenyanga ezintandathu okanye ukuya entolongweni ngaphandle kokukhethiswa ukuba ahlawule isohlwayo okanye afumane izohlwayo zozibini, intlawulo kunye nokuya entolongweni.

### 7. AMALUNGISELELO AGQITHAYO

Nakuphina ukuncitshiswa okanye ukupheliswa kwenkonzo yonikezelo lwamanzi okanye naliphina inyathelo lokunyusa umgangatho wolondolozo lwamanzi eliveliswe kuMmandla woLawulo lweNqila yeKapa ngaphambi kokubhengezwa kwalo mthetho kamasipala uya kucingelwa njengowenziwe phantsi kwalo mthetho kamasipala.

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