



## **KANNALAND MUNICIPALITY**

### **WATER SERVICES BY-LAW TO LIMIT OR RESTRICT THE USE OF WATER**

#### **1. DEFINITION**

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

**“Council”** means the Kannaland Municipal Council and includes any authorized committee, functionary of 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, or which requires the immediate reduction of water supply to consumers to ensure the provision of basic water supply services by the municipality;

**“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 RESTRICTION OF WATER SUPPLY SERVICES**

- (1) Council may limit or restrict the provision of water supply services or the use of water where—
  - (a) national disasters, regional or local 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 within the Municipal area.
- (3) Council may determine the form and manner in which the limitation, restriction or use will apply.
- (4) Council must, if it intends limiting or restricting 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 restriction in respect of an individual consumer who has interfered with a limited or discontinued service.
- (5) The restrictions imposed in terms of this section will take effect from the date of the Council resolution, or from such other date which council may determine.

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

Council may impose measures to limit or 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 restrict 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 purpose of the intended limitation, restriction or water conservation measures, if known;
    - (i) the duration of the limitation, restriction or water conservation measures; if known;
    - (ii) the particular use of water to be limited or in respect of which water conservation measures are to be applied;

- (iii) the area in which the limitation, restriction 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, restriction or water conservation measures are to be applied, if they are not generally applicable;
  - (b) the date on which the limitation, restriction 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;
  - (e) that any person who wishes to object to the intended limitation, restriction or water conservation measures must do so in writing within 14 calendar days after the date on which the notice is first displayed.
- (2) Council must also immediately cause a copy of the notice referred to in subsection (1) to be published as per the provisions of Section 21 of the Municipal Systems Act, 32 of 2000
- (3) Where—
- (a) no objection is received within the period referred to in subsection (1)(e), the limitation, restriction 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, restriction or water conservation measures and may determine a date other than the date contemplated in subsection (1)(b) on which the limitation, restriction 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, restriction or water conservation measure will apply from such other date.
- (4) The provisions of this section are not applicable under the circumstances mentioned in section 2(4) (a) to (c).

## **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. REPEAL**

The Kannaland Municipality Water Services By-law to Limit or Restrict the Use of Water, promulgated in Provincial Gazette 6689 dated 22 January 2010, is hereby repealed.

## **7. OFFENCES AND PENALTIES**

Any person who contravenes the terms of any notice issued under this By-law is guilty of an offence and is liable to payment of a fine or imprisonment or both.

## **8. SHORT TITLE AND COMMENCEMENT**

This By-law is known as the Kannaland Municipality Water services By-law to Restrict or Limit the Use of Water and will come into effect from the date of promulgation thereof in the Provincial Gazette.

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