



WATER RESTRICTIONS BYLAW

Bylaw Number 1 of 2012

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SETSOTO MUNICIPALITY
WATER RESTRICTIONS BY-LAWS

The Municipality of Setsoto Local Municipality hereby publishes the Commonage By-Laws set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 28 August 2007 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as well as Section 21 of the Water Services Act, Act 108 of 1997

SCHEDULE

1. Definitions

"municipality" means—

- (a) the Setsoto municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) the municipal manager or
- (c) an authorised official or agent of the municipality;

"municipal council" means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

"public notice" means publication in the media including one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the municipality;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
 - (iii) on the official website of the municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

2. Water Restrictions

(1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent or existing, by public notice—

- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
 - (i) in general or for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
- (b) determine and impose—
 - (i) a restriction on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of the restricted quantity; and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(2) The municipality may restrict the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

(3) The municipality—

- (a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of water saving devices, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
- (b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of sub-section (1); and
- (c) must where the supply has been discontinued, restore it only when the prescribed charge for discontinuation and reconnecting the supply has been paid.

3. Power of Entry and Inspection

(1) An authorised official or agent of the municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

(2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) The authorised official or agent of the municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(4) The authorised official or agent of the municipality must, on request, provide his identification.

4. Offences

(1) Subject to sub-section (2), any person who—

- (a) fails to comply with the terms of a notice in terms of these by-laws, or
- (b) reconnects or restores services that have been disconnected or limited without the municipality's approval.

is guilty of an offence and liable on conviction to a fine minimum of R2500-00 or maximum of R5000-00 or in default of payment to imprisonment for a period not exceeding 6 months.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

5. Repeal of Existing Municipal Water Services By-laws

The provisions of any by-laws relating to water restrictions by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

6. Short Title and Commencement

These by-laws are called the Water Restrictions By-laws of the Setsoto Municipality, Bylaw 01 of 2012.