

PROVINCIAL NOTICE

[NO. 210 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:  
PUBLICATION: STANDARD WATER RESTRICTIONS BY-LAW.**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**WATER RESTRICTIONS BY-LAW**

**Purpose**

To limit or restrict the use of water in terms of section 21 of the Water Services Act, 1997 (Act No. 108 of 1997), as read with section 156 of the Constitution of the Republic of South Africa, 1996.

**Definitions**

1. In this by-law, unless the context indicates otherwise—  
"Council" means the Municipality of ..... 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.

**Limitation or discontinuation of water supply services**

2. (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.

**Measures for the promotion of water conservation**

3. 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.

**Procedure**

4. (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 comes 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.
- (2) 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.
- (3) Where—
- (a) no objection in writing is received within the period referred to in subsection (1)(e), the limitation, discontinuation or water conservation measures comes 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 must 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.

#### **Exemptions**

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

#### **Offences and penalties**

6. 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 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.

#### **Transitional provision**

7. Any limitation or discontinuation of a water supply service or any measure for the promotion of water conservation imposed within the municipal area prior to the promulgation of this by-law is deemed to have been done in terms of this by-law.

#### **Repeal**

8. Any by-laws relating to Water Restrictions adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

#### **Short title**

9. These by-laws are called the Water Restrictions By -laws, 2011.