

GEORGE MUNICIPALITY



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

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1. DEFINITION

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

“Council” means the George Municipal Council and includes any authorised 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;

“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.

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 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 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.

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 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.

VERORDENING OP WATERDIENSTE OM DIE GEBRUIK VAN WATER TE BEPERK OF IN TE KORT

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 George Munisipale raad en ook enige gemagtigde komitee, funksionaris of beampte;

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

“water-voorsieningsdienste” die onttrekking, vervoer, behandeling en verspreiding van drinkwater, water wat bedoel is vir omskakeling in drinkwater of water vir kommersiële gebruik of water vir nywerheidsgebruik.

2. BEPERKING OF VOORSIENING VAN WATERDIENSTE

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

(a) nasionale rampe, streek of plaaslike rampe 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 binne die Munisipale gebied differensieer.

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

(4) Indien die Raad van voornemens is om die verskaffing van watervoorsieningsdienste of die gebruik van water ingevolge subartikel (1) te beperk, 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 voorsiening toe te pas ten opsigte van ‘n individuele verbruiker wat met ‘n beperkte of voorsieningsdiens ingemeng het.

3. MAATREËLS VIR DIE BEVORDERING VAN WATERBEWARING

Die Raad kan maatreëls tref om die gebruik van water te beperk 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 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 die 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 of waterbewaringsmaatreëls, insluitende-
 - (i) die duur van die beperking, voorsiening of waterbewaringsmaatreëls, indien bekend;
 - (ii) die bepaalde gebruik van water wat beperk of voorsien gaan word of ten opsigte waarvan waterbewaringsmaatreëls getref gaan word;
 - (iii) die gebied waarin die beperking, voorsiening of waterbewaringsmaatreëls toegepas gaan word, as dit nie dwarsdeur die Munisipale Gebied toegepas gaan word nie;
 - (iv) die omstandighede waarin die voorgestelde beperking, voorsiening of waterbeperkingmaatreëls toegepas gaan word, as dit nie algemeen toegepas gaan word nie;
- (b) die datum waarop die beperking, voorsiening of waterbeperkingsmaatreëls 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 of waterbewaringsmaatreëls beswaar wil aanteken, dit skriftelik moet doen binne 14 dae na die datum waarop die kennisgewing die eerste keer vertoon is.

(2) 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.

(3) Waar-

- (a) daar geen skriftelike beswaar ontvang is nie binne die tydperk in subartikel (1)(e) bedoel, word die beperking, voorsiening 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, of waterbewaringsmaatreëls bevestig of herroep en mag 'n datum anders as die datum in subartikel 1(b) bedoel vasstel vanaf wanneer die beperking of maatregel 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 of waterbewaringsmaatreëls is van sodanige ander datum van krag.

5. VRYSTELINGS

Enige persoon kan skriftelik aansoek doen om vrystelling van die bepalings 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 enige van die bepalings van hierdie Verordening oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en is strafbaar met 'n boete of gevangenisstraf of beide.