

KANYE (WATER FEES) BYE-LAWS

(under sections 33 and 34)

(15th September, 1972)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Application
3. Interpretation
4. Annual water fees
5. Liability for water fees
6. Exemption from liability for water fees
7. Collection of water fees and issue of receipts
8. Drawing of water from public taps for use in business
9. Drawing of water from public taps into drums or containers restricted
10. Application for installation of private taps
11. Drawing of water at private taps restricted
12. Livestock not to be watered at public taps

13. Attachment of hosepipes or other conduits to public taps prohibited
14. Interference with pipelines, etc. prohibited
15. Production of water fees receipts
16. Penalty

First Schedule

Second Schedule - Water (Business Use) Permit

Third Schedule - Fees for Water (Business Use) Permits

Fourth Schedule

Fifth Schedule

Sixth Schedule - Price of Water Tickets

S.I. 69, 1972,

S.I. 113, 1975.

1. Citation

These Bye-laws may be cited as the Kanye (Water Fees) Bye-laws.

2. Application

These Bye-laws shall apply to the villages of Kanye, Moshupa, Mabutsane, Mmathethe, Moshaneng and Good Hope.

3. Interpretation

In these bye-laws, unless the context otherwise requires-

"business" means an undertaking carried on for profit or reward from fixed premises within the villages where these Bye-laws apply, and where such an undertaking is carried on for more than one set of premises the undertaking as carried on in each such set shall be deemed to be a separate business;

"collector" means a collector or assistant collector appointed by the Council to collect any tax on behalf of the Council;

"consumer" means a person entitled by virtue of payments made in accordance with bye-law 4, to draw water from public taps provided by the Council;

"Council" means the Southern District Council;

"head", in relation to a lolwapa, means the senior male person over the age of 21 years residing in such lolwapa or, if no such person resides therein, the senior female person over the age of 21 years residing therein;

"livestock" means cattle, goats, sheep, horses, donkeys and mules;

"lolwapa" means a customary residential precinct.

"private tap" means a water drawing point located within the confines of a lolwapa or any private property;

"public tap" means a water drawing point located in a public place and available for public use;

"village of Kanye" means the area described in the First Schedule;

"village of Moshupa" means the area defined in the Fifth Schedule;

"villages of Mabutsane, Mmathethe, Moshaneng and Good Hope" means the area within one kilometre of any public stand-pipe in these villages;

"Water Authority" means the authority appointed for the villages of Kanye and Moshupa under section 4 of the Waterworks Act.

4. Annual water fees

(1) There shall be payable to the Council in respect of every lolwapa, every private dwelling-house and every set of premises of a business or of any religious, educational or other institution an annual water fee of P2 or as prescribed from time to time by the Council.

(2) Such fee shall become due and payable on 1st January in every year.

(3) Payment of such fee shall, subject to bye-laws 9 and 10, entitle persons residing or employed in the lolwapa, private dwelling-house or premises in respect of which it is paid, to draw water when available, from public taps provided by the Council during 12 months from the date on which it became payable.

(4) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

5. Liability for water fees

(1) The water fees due and payable in respect of any lolwapa shall be paid by, and may be collected or recovered by legal process from, the head of such lolwapa.

(2) The water fees due and payable in respect of any private dwelling-house, not being a lolwapa, shall be paid by, and may be collected or recovered by legal process from, the occupier, failing whom the owner, of such dwelling-place.

(3) The water fees due and payable in respect of any other premises shall be paid by, and may be collected or recovered by legal process from, the occupier, failing whom the owner, of such premises.

(4) Any person living outside the areas defined as the villages of Kanye, Moshupa, Mabutsane, Mmathethe, Moshaneng and Good Hope who is found to be using water from these villages shall be subject to the provisions of bye-law 4(1).

6. Exemption from liability for water fees

Any person who would in terms of bye-law 5 be liable to pay water fees shall be exempt from such liability if the Finance and General Purposes Committee of the Council declares itself satisfied that he can reasonably be considered destitute.

7. Collection of water fees and issue of receipts

(1) Water fees due and payable under these bye-laws may be collected from persons obliged to pay such fees by collectors.

(2) Every collector who receives a water fee shall immediately deliver to the person

paying such a fee an official receipt therefor.

(3) Whenever the Council receives a water fee otherwise than through a collector who has delivered a receipt therefor in terms of sub-bye-law (2), it shall immediately deliver to the person paying such fee an official receipt therefor.

8. Drawing of water from public taps for use in business

(1) No person shall draw water from any public tap for use in a business unless he is employed in or by the business and the person carrying on such business has obtained from the Council on payment of the prescribed fee a permit in the form set out in the Second Schedule authorizing persons employed in or by such business to draw water from public taps.

(2) The fees to be charged for permits referred to in sub-bye-law (1) shall depend on the type of business carried on and shall be as specified in the Third Schedule.

(3) The period of a permit shall extend from 1st January to the following 31st December.

(4) In the event of a contravention of sub-bye-law (1), if the person drawing water is not employed in or by the business for use in which the water is drawn he shall be guilty of an offence, and if such person is so employed the person carrying on such business shall, unless he proves that he took all reasonable steps to prevent the contravention, be guilty of an offence.

9. Drawing of water from public taps into drums or containers restricted

(1) No person shall draw water from any public tap into a drum or container of 200 litres (44 gallons) capacity or more except at a water point named in the Fourth Schedule and after presenting to an attendant at such water point, being a person apparently in the service of the Council, a water ticket purchased from the revenue department of the Council authorizing the drawing of a quantity of water not less than the capacity of such drum or container.

(2) The price of water tickets shall be as specified in the Sixth Schedule.

(3) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

10. Application for installation of private taps

(1) Any person may apply to the Water Authority or Council, as the case may be, in the villages where these Bye-laws apply to have a private tap installed in a lolwapa, private dwelling-house, premises of a business, religious, educational or other character upon such terms and conditions as may be agreed by the applicant and the Water Authority or Council.

(2) There shall be payable to the Council in respect of every private tap in the villages of Mabutsane, Mmathethe, Moshaneng and Good Hope a water fee of 11 thebe for 1000 litres (50 thebe per 1000 gallons) used or as prescribed from time to time by the Council.

11. Drawing of water at private taps restricted

(1) No person shall draw water at a private tap without the consent of the head of the lolwapa or the occupier or owner of the private dwelling-house or premises within the

confines of which it is located.

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

12. Livestock not to be watered at public taps

(1) No person shall water livestock at a public tap.

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

13. Attachment of hosepipes or other conduits to public taps prohibited

(1) No person shall attach to a public tap a hosepipe or other such device for conducting water other than to fill a drum or container at water points specified in the Fourth Schedule.

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

14. Interference with pipelines, etc. prohibited

(1) No person shall in any way alter or tamper with any pipeline or other installation for the supply of water without-

- (a) in the case of a pipeline or installation owned by the Council, the express consent of the Council; or
- (b) in the case of a pipeline or installation owned by a person other than the Council, the express consent of such other person.

(2) Any person who contravenes sub-bye-law (1) shall be guilty of an offence.

15. Production of water fees receipts

(1) Any collector may require the head of any lolwapa and the occupier of any private dwelling-place or other premises to produce on demand, or at the Council's offices within 24 hours, a water fee receipt in respect of such lolwapa, private dwelling-place or premises issued in terms of bye-law 7 not earlier than 1st January preceding the date of demand.

(2) Any head of a lolwapa or occupier to whom a receipt such as is referred to in sub-bye-law (1) has been issued who fails to produce such receipt or who produces a falsified receipt shall be guilty of an offence and liable on conviction to a fine not exceeding P20 or to a term of imprisonment not exceeding one month, or to both.

16. Penalty

Any person found guilty of an offence under bye-law 4(1), 8(1), 9(1), 10(2), 11(1), 12(1), 13(1) or 14(1) shall be liable to a fine not exceeding P50 and to imprisonment for a term not exceeding two years.

FIRST SCHEDULE

(bye-law 3)

The area contained within the boundary described as follows-

Commencing at a point A the co-ordinates of which are y-115000 x+9055000 the boundary runs in a straight line in a southerly direction to point B the co-ordinates of which are y-115000 x+9063000;

thence in a straight line in an easterly direction to point C the co-ordinates of which are y-121000 x+9063000; thence in a straight line in a southerly direction to point D the co-ordinates of which are y-121000 x+9071000; thence in a straight line in a south-westerly direction to point E the co-ordinates of which are y-118000 x+9076000; thence in a straight line in a westerly direction to point F the co-ordinates of which are y-112000 x+9076000; thence in a straight line in a north-westerly direction to point G the co-ordinates of which are y-104000 x+9076000; thence in a straight line in a northerly direction to point H the co-ordinates of which are y-104000 x+9065000; thence in a straight line in a north-easterly direction to point J the co-ordinates of which are y-107000 x+9055000; thence in a straight line in an easterly direction to the point of commencement, as will more fully appear from Plan KO-140/1, filed in the Department of Surveys and Lands, the co-ordinates of points A, B, C, D, E, F, G, H and J being expressed in English feet on the Trigonometrical system Lo 25°.

SECOND SCHEDULE WATER (BUSINESS USE) PERMIT

(bye-law 8(1))

KANYE (WATER FEES) BYE-LAWS

Name of Permit-holder:

Name of Business, if different from above:

Type of Business:

Fee Paid:

Date of Expiration of Permit: 31st December, 20

This is to certify that the permit-holder named above has paid a fee in terms of bye-law 8 of the Kanye (Water Fees) Bye-Laws, and that persons employed in or by the business named above are permitted to draw water from public taps within the village of Kanye for use in the same business.

Date:
.....
Authorized Officer

THIRD SCHEDULE FEES FOR WATER (BUSINESS USE) PERMITS

(bye-law 8(2))

Business requiring General Trading Licence	P10 per annum
Business requiring small General Trading Licence	P10 per annum
Business requiring Restaurant Licence	P10 per annum
Business requiring Fresh Produce Licence	P10 per annum
Business requiring Petrol Filling Station Licence	P10 per annum
Brickmaker's Business	P10 per annum

Any other business

As determined in each case
by the Council.

FOURTH SCHEDULE

(bye-laws 9(1) and 13(1))

Goo Bome Borehole Pumphouse tap, Kanye
Mmasekou Borehole Pumphouse tap, Kanye
Mmatshitswane Borehole Pumphouse tap, Kanye
Moshupa Dam
No. 1102 Borehole Pumphouse tap, Mabutsane
No. 31 Borehole Pumphouse tap, Mmathethe
No. BH 2358 Borehole Pumphouse tap, Moshaneng
No. BH 110 Borehole Pumphouse tap, Good Hope.

FIFTH SCHEDULE

(bye-law 3)

Starting from the Spillway of Moshupa dam	X 8998000 Y-134700
Following the Spillway and then southeastwards to	X 9000000 Y-138000
East of Hatsalatladi River	X 9000000 Y-138650
Following the river to	X 8998300 Y-144000
North to	X 8990000 Y-144000
Northwest to	X 8989000 Y-143000
West to	X 8989000 Y-137000
South West to	X 8990000 Y-136000
West to	X 8990000 Y-134000
South Southwest to	X 8994000 Y-132000
South to	X 8995000 Y-132000
East to	X 8995000 Y-133000
East Southeast to	X 8995900 Y-134900
South East to	X 8996530 Y-135470
Following the dam wall to	X 8996840 Y-134870
Following the riverbed back to	X 8998000 Y-134700

**SIXTH SCHEDULE
PRICE OF WATER TICKETS**

(bye-law 9(2))

Tickets authorizing the drawing of not more than
200 litres (44 gallons):

5 thebe