

KGALAGADI DISTRICT COUNCIL (PUBLIC STANDPIPES) BYE-LAWS

(sections 33 and 34)

(1st March, 2002)

ARRANGEMENT OF BYE-LAWS

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S.I. 10, 2002.

1. Citation

These Bye-Laws may be cited as the Kgalagadi District Council (Public Standpipes) Bye-Laws.

2. Application

These Bye-Laws shall apply to the whole area of the Kgalagadi District Council as defined under the Administrative Districts Act.

3. Interpretation

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

"authorised officer" means the Council Secretary, or any officer of the Kgalagadi District Council duly authorised in writing by the Council Secretary for the purpose of inspecting standpipes;

"Council" means the Kgalagadi District Council;

"designated area" means an area of the District which has been designated by the Council as an area for occupation by persons holding certificates of right or temporary occupancy permits;

"emergency" means any situation giving rise to the possible loss of life or property caused by fire or other means;

"occupier" in respect of a designated area means a person living within that area;

"public standpipe" means a water supply point within a designated area, and intended for use by the occupiers thereof;

"unauthorised connection or attachment" means a connection or attachment which has been made to a standpipe without the written permission of the Council.

4. Supervision of use of public standpipes

The Council Secretary may, in writing, from time to time authorise any officer or employee of the District Council to inspect and supervise the use of standpipes.

5. Use of water from public standpipes

Subject to the provisions of bye-law 6, water from a public standpipe shall be available for use by the occupiers of the designated area in which it is situated, or to persons so authorised in writing by the Council.

6. Use of water by persons other than occupiers

(1) Except with the written authorisation of the Council, or in an emergency, water shall not be drawn from a standpipe for use outside the designated area in which it is located.

(2) An occupier in a designated area shall not supply water from a public standpipe in such area to any person not entitled thereto, for use outside the designated area, except-

- (a) for immediate personal consumption within such limits as may be specified by the Council;
- (b) in an emergency; or
- (c) as may be authorised in writing by the Council.

(3) A person who is not an occupier of a designated area, may, without further written authorisation, draw water not exceeding 800 litres in any one day, for immediate personal consumption within the designated area, and such water shall only be drawn from an

overhead standpipe.

(4) Any person who contravenes the provisions of this bye-law shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one month or both.

7. Use of public standpipes

(1) Water from public standpipes shall not be used for any purpose other than for domestic purposes, or in an emergency, or as may be specified, in writing, by the Council.

(2) The Council may from time to time-

- (a) limit the quantity of water which may be drawn from a particular standpipe;
- (b) by notice in the *Gazette* and in a newspaper circulating in the country, prohibit the use of water for any specific purpose, in any specified area within the District Council; or
- (c) by written notice to occupiers, prohibit the use of water from public standpipes for such purpose or purposes as may be specified in the notice.

(3) Any person who uses water from public standpipes for any purpose contrary to the provisions of any notice issued by the District Council under sub-bye-law (2) shall be guilty of an offence and liable to a fine not exceeding P200, or to imprisonment for a term not exceeding two months, or both and such fine or imprisonment shall be without prejudice to the right of the District Council to recover the charges for water improperly used.

8. Withholding of supply of water from public standpipe water

Without prejudice to the right of recovery of any money due to it, the Council may turn off, or curtail, the supply of water from public standpipe water to any designated area where-

- (a) the occupiers, or any of them, have failed to pay any service levy, or failed to comply with any provision of these Bye-Laws with which it is their duty to comply;
- (b) the repair of, maintenance of or extension of the water systems is required; or
- (c) a general water supply shortage occurs in the area.

9. Inspection of standpipes

(1) An authorised officer may, from time to time, inspect public standpipes for the purpose of detecting unauthorised connections or attachments, or the waste or misuse of water, and shall generally supervise the proper use of such standpipes.

(2) Where an authorised officer finds an unauthorised connection or attachment to a public standpipe he-

- (a) shall immediately remove it or cause it to be removed; and
- (b) may either return the unauthorised connection or attachment to the owner together with a written warning, or proceed to have the owner prosecuted under sub-bye-law (3).

(3) Any person found to have made an unauthorised connection or attachment may be, and shall be for a second or subsequent transgression, prosecuted and upon conviction shall be liable to have the unauthorised connection confiscated and to a fine not exceeding P200 or in default of payment thereof to imprisonment for a term not exceeding two months, or both.

(4) Any person who hinders, obstructs or uses abusive or insulting language towards an authorised officer in the performance of his duties under these bye-laws shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding two months, or both.

10. Misuse of water

Any person who wilfully or negligently wastes or misuses water from a public standpipe shall be guilty of an offence and liable to a fine of P150.

11. Damage to public standpipe

(1) Any person who tampers with or wilfully or negligently causes damage to a public standpipe, or to any appliance or equipment connected therewith, shall be guilty of an offence and liable to a fine not exceeding P300 or to imprisonment for a term not exceeding three months, or both.

(2) The imposition of a fine or imprisonment in terms of sub-bye-law (1) shall be without prejudice to the rights of the District Council to recover from the offender the cost of any repair or replacement arising from the damage to the public standpipe concerned.

12. Prohibition of pollution

Any person who pollutes or causes the pollution of any public standpipe water, causes or allows any liquid, gas or other matter to enter any fitting connected therewith, shall be guilty of an offence and liable to imprisonment for a term not exceeding two months.