

**MOGALE CITY LOCAL MUNICIPALITY
MOGALE CITY WATER SERVICES BY-LAWS
APRIL 2009**

PREAMBLE

1. REGULATORY FRAMEWORK

Section 156(2) and Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 enables a municipality to make and administer by-laws for the effective administration of the matters which it has the right to administer. Part B of Schedule 4 of the Constitution provides for a municipality to be responsible for water and sanitation services limited to potable water supply systems and domestic wastewater and sewage disposal.

Section 21 of the Water Services Act (Act No 108 of 1997) requires every water services authority to make by-laws which contain conditions for the provision of water services. Water services consist of water supply services and sanitation services. The Mogale City Local Municipality is a water services authority and must comply. The by-laws must provide for at least:

- a) standards of the water services;
- b) technical conditions of supply;
- c) the installation, alteration, operation, protection and inspection of water services works and consumer installations;
- d) the determination and structure of tariffs;
- e) the payment and collection of money due for the water services;
- f) the circumstances under which water services may be limited or discontinued; and
- g) the prevention of unlawful connections.

Water services by-laws are also to contain conditions under which water services are provided, namely:

- a) limitations that may be placed on the areas to which water services will be provided;
- b) circumstances under which water services may be limited or discontinued;
- c) obligations on a payment defaulter; and
- d) accessibility of water services to consumers and potential consumers.

Where a water services authority provides water for industrial use or controls a system through which industrial effluent is disposed of, the water services by-laws must provide for at least the:

- a) standards of service;
- b) technical conditions and provision of disposal;
- c) determination and structure of tariffs;
- d) payment and collection of money due; and

- e) circumstances under which the provision of water supply and the disposal of effluent may be limited or prohibited.

Mogale City Local Municipality is a water services authority that provides water services for industrial use.

The Minister of Water Affairs and Forestry may provide model by-laws to be used as a guide for water services authorities.

The Mogale City Water Services By-laws comply with Section 156(2) and Part B of Schedule 4 of the Constitution of the Republic of South Africa, Section 21 of the Water Services Act and are aligned with model water services by-laws published by the Department of Water Affairs and Forestry in August 2000, albeit with differences in the sequence and detail of the content aimed to address the Mogale City Local Municipality's particular requirements.

Section 13 of the Local Government Municipal Systems Act (Act No 32 of 2000) requires that a by-law passed by a municipal council:

- a) must be published in the Provincial Gazette, and when feasible, also in a local newspaper or in any other practical way to bring the contents of the law to the attention of the local community; and
- b) takes effect when published or on a future date determined in terms of the by-law.

The Mogale City Water Services By-laws (these By-laws) have been promulgated in accordance with Section 13 of the Local Government Municipal Systems Act.

2. MAIN OBJECTIVES OF THESE BY-LAWS

The main objectives of these By-laws are to:

- a) give effect to the requirements of the Constitution of the Republic of South Africa, the Water Services Act and the Local Government Municipal Systems Act;
- b) regulate the relationship between the Mogale City Local Municipality (the Municipality) or its authorised agent and the consumers receiving water services from the Municipality or its authorised agent;
- c) provide the legal framework for the provision of water services to consumers in the area of supply of the Municipality, including the right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or well being; and

- d) set standards and a basis for policies and tariffs to give effect to these By-laws and through these By-laws to give effect to relevant components of national and provincial legislation.

3. APPLICABILITY OF THESE BY-LAWS

The provisions of these By-laws shall apply to all premises, persons, bodies and state organs within the jurisdiction of Mogale City Local Municipality. Premises means any piece of land, with or without improvements, the external surface boundaries of which are delineated on a general plan, or diagram registered by the Deeds Registry.