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PROVINCE OF THE WESTERN CAPE

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IPHONDO LENTSHONA KOLONI

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*As 'n Nuusblad by die Poskantoor Geregistreer*

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**PROVINCIAL NOTICE**

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

**ISAZISO SEPHONDO**

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

**PROVINCIAL NOTICE**

P.N. 299/2015 28 August 2015

## CITY OF CAPE TOWN: TREATED EFFLUENT AMENDMENT BY-LAW, 2015

GENERAL EXPLANATORY NOTE:

**[ ]** Words in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

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**To amend the provisions of the City of Cape Town: Treated Effluent By-law, 2010; to provide for the deletion and insertion of certain definitions; to amend the provisions relating to compliance notices; and to provide for matters related thereto.**

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**B**E IT ENACTED by the Council of the City of Cape Town, as follows: –

**Preamble**

**1.** The City of Cape Town: Treated Effluent By-law, 2010 (hereinafter referred to as the principal By-law) is hereby amended by the insertion after the long title of the following preamble:

"**Preamble**

**WHEREAS** the Constitution empowers municipalities to make by-laws and to administer local government matters as listed in Part B of Schedule 4 and Part B of Schedule 5, read with section 156 of the Constitution;

**WHEREAS** the control of public nuisances is a local government matter as listed in Part B of Schedule 5 of the Constitution;

**WHEREAS** the City of Cape Town is a Water Services Authority, Water Services Institution and Water Services Provider in terms of the Water Services Act, 1997 (Act No. 108 of 1997);

**AND WHEREAS** the City of Cape Town seeks to enforce its powers of control over activities linked to the supply of water and the use and supply of treated effluent;

**NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town, as follows:–".

**Amendment of section 1 of the City of Cape Town: Treated Effluent By-law, 2010**

**2.** Section 1 of the principal By-law is hereby amended–

" **'authorised official'** means an **[authorised official of the City appointed by the Director: Water and Sanitation to enforce the provisions of this By-law]** employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;";

(2) by the substitution for the definition of "City" of the following definition:

" **'City'** means the City of Cape Town, a municipality established by Establishment Notice No. 479 of 22 September 2000, issued in terms of **[section 12 of]** the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998) or any structure or employee of the City acting in terms of delegated authority;";

(3) by the substitution for the definition of "consumer" of the following definition:

" **'consumer'** means a person or user approved by the **[Director: Water and Sanitation]** City to use treated effluent from an installation connected to a connection pipe which supplied with treated effluent from a main;";

(4) by the substitution for the definition of "Council" of the following definition:

" **'Council'** means the Municipal Council **[council]** of the City **[or any of the other political structures, political office bearers, councillors or staff members of the City duly authorised by delegation]**;";

(5) by the deletion of the definitions of **[City Manager]**, **[Director: Water and Sanitation]**, **["Executive Director: City Health"]** and **["non potable water"]**; and

(6) by the insertion after the definition of **"prescribed charge"** of the following definition:

" **'quality parameters'** means the level of quality of chemical, physical and microbiological constituents in the water;".

**Repeal of sections 3, 4 and 5 of the City of Cape Town: Treated Effluent By-law, 2010**

**3.** Sections 3, 4 and 5 of the principal By-law are hereby repealed.

**Substitution for words in the following sections of the City of Cape Town: Treated Effluent By-law, 2010**

**4.** (1) Sections 6(1);(2), 7(1), 11, 12(1), 14, 15(2), 19, 20(1);(2), 21(4), 22(1);(2), 23(1);(3)(a);(7), 24, 25, 27, 28,30(6),31(3),36(2) and 37 are hereby amended by the substitution for the words "Director: Water and Sanitation", wherever they appear, of the words "authorised official".

(2) Sections 8 (3), 15(1); (3) and 20(3) are hereby amended by the substitution for the words "Director: Water and Sanitation" of the word "City".

**Amendment of section 9 of the City of Cape Town: Treated Effluent By-law, 2010**

**5.** Section 9 is hereby amended –

(1) by the substitution of subsection (3) of the following subsection:

"(3) If a person on whom notice was served in terms of subsection (2) fails to comply with the requirements of the notice, the **[Director: Water and Sanitation]** City may take such steps as may be necessary to rectify the condition at the cost of the person responsible, or take any other action **[deemed]** necessary to ensure compliance, including the immediate discontinuation of water supply."; and

(2)by the insertion after subsection (3) of the following subsection:

"(3A) A compliance notice is deemed to be sufficiently and effectively served on such person –

(a) when it has been delivered to him or her personally;

(b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgement of the posting thereof is produced;

(d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or

(e) if his or her address or that of an agent in the Republic is unknown, when it has been posted in a conspicuous place on the immovable property to which it relates.";

(3) by the substitution of subsection (4) of the following subsection:

"(4) **[The Director: Water and Sanitation, subject to the provisions of this By-law, retains the power to take any action including the immediate discontinuation of the water supply in appropriate circumstances.]** Any costs incurred by the City in the course of remedying the contravention as contemplated in subsection (3), may be recoverable in terms of the Credit Control and Debt Collection By-law of the City."

**Substitution of section 10 of the City of Cape Town: Treated Effluent By-law, 2010**

**6.** The following section is hereby substituted for section 10 of the principal By-law:

"**10.** The owner is responsible for ensuring compliance with this By-law and the National Water Act, 1998 (Act No.36 of 1998) in respect of all or any matters relating to –

(a) the use of treated effluent;

(b) treated effluent installations; and

(c) the maintenance of treated effluent installations.".

**Amendment of section 13 of the City of Cape Town: Treated Effluent By-law, 2010**

**7.** Section 13 is hereby amended by the substitution in subsection (2) for the word "contain" of the word "include".

**Amendment of section 26 of the City of Cape Town: Treated Effluent By-law, 2010**

**8.** Section 26 is hereby amended –

(1) by the substitution in subsections (1) and (2) for the words "Director: Water and Sanitation", wherever they appear, of the words "authorised official"; and

(2) by the substitution for subsection (3) of the following subsection:

"(3) The consumer must be informed of the method used by the **[Director: Water and Sanitation]** authorised official to estimate the quantity of treated effluent supplied to him or her, as contemplated in subsection (1) and (2) **[and given an opportunity to make representations to the Director: Water and Sanitation before a final estimate is arrived at.]**".

**Amendment of section 29 of the City of Cape Town: Treated Effluent By-law, 2010**

**9.** Section 29 is hereby amended –

(1) by the substitution in subsections (2), (3), and (4) for the words "Director; Water and Sanitation", wherever they appear, of the words "authorised official"; and

(2) by the deletion of subsection (5).

**Amendment of section 30 of the City of Cape Town: Treated Effluent By-law, 2010**

**10.** Section 30 is hereby amended –

(1) by the substitution for subsections (1) and (2) of the following subsection:

" **30.**(1) An owner of premises **[,]** on which **[non-potable water]** treated effluent is used, must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.

(2)In an area where treated **[sewage]** effluent is used, the consumer shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes." ;and

(2) by the substitution of subsection (5) of the following subsection:

"(5) Prominent notices indicating that **[non potable water]** treated effluent is being used to be erected in a position clearly visible from a public thoroughfare, at positions determined by the City."

**Amendment of section 31 of the City of Cape Town: Treated Effluent By-law, 2010**

**11.** Section 31 is hereby amended –

by the substitution for subsection (9) of the following subsection:

"(9) All **[exposed]** pipelines **[shall]** must be painted orange and suitably designated."

**Amendment of section 32 of the City of Cape Town: Treated Effluent By-law, 2010**

**12.** Section 32 is hereby amended –

(1) by the substitution of subsection (4) of the following subsection:

"(4) A consumer that uses treated effluent for irrigation purposes is responsible for monitoring the quality of the treated effluent and to ensure that reports of such monitoring are made immediately available to and on request by an authorised official.";

(2) by the substitution for subsection (5) of the following subsection:

"(5) Should a consumer require a different quality status or parameter analysis of treated effluent to what is supplied to him or her or conducted on the effluent, the onus is on such consumer to, at his or her own cost, cause the effluent to be improved or analyzed to meet his or her needs.".

**Repeal of section 33 of the City of Cape Town: Treated Effluent By-law, 2010**

**13.** Section 33 is hereby repealed.

**Repeal of section 34 the City of Cape Town: Treated Effluent By-law, 2010**

**14.** Section 34 is hereby repealed.

**Amendment of schedule 2 of the City of Cape Town: Treated Effluent By-law, 2010**

**15.** Schedule 2 is hereby amended by the deletion of the emblem of the City logo.

**Repeal of Schedule 3 of the City of Cape Town: Treated Effluent By-law, 2010**

**16.** Schedule 3 is hereby repealed.

**Short title**

**17.** This By-law is called the City of Cape Town: Treated Effluent Amendment By-law, 2015.

P.K. 299/2015 28 Augustus 2015

**STAD KAAPSTAD: WYSIGINGSVERORDENING OP BEHANDELDE UITVLOEIWATER, 2015**

ALGEMENE VERDUIDELIKENDE AANTEKENING:

**[ ]** Woorde in vetdruk in vierkante hakies dui weglatings uit bestaande verordening aan.

_____ Woorde met ’n volstreep daaronder dui invoegings in bestaande verordening aan.

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**Om die bepalings van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010, te wysig; om voorsiening te maak vir die skrapping en invoeging van sekere woordomskrywings; om die bepalings met betrekking tot nakomingskennisgewings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.**

HIERMEE WORD soos volg deur die Raad van die Stad Kaapstad VERORDEN: –

**Invoeging van aanhef**

**1.** Die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010 (hierna die hoofverordening genoem) word hiermee gewysig deur die volgende aanhef na die lang titel in te voeg:

**“Aanhef**

**AANGESIEN** die Grondwet munisipaliteite bemagtig om verordeninge uit te vaardig en om die plaaslike regeringsaangeleenthede soos in Deel B van Bylae 4 en Deel B van Bylae 5 gelys, saamgelees met artikel 156 van die Grondwet, te administreer;

**AANGESIEN** die beheer oor openbare steurnisse ’n plaaslike regeringsaangeleentheid is soos in Deel B van Bylae 5 van die Grondwet gelys;

**AANGESIEN** die Stad Kaapstad ’n waterdiensteowerheid, waterdiensteinstelling en waterdiensteverskaffer ingevolge die Wet op Waterdienste, 1997 (Wet 108 van 1997) is;

**EN AANGESIEN** die Stad Kaapstad sy bevoegdhede van beheer oor aktiwiteite wat met die verskaffing van water en die gebruik en verskaffing van behandelde uitvloeiwater gepaard gaan, wil toepas;

**VERORDEN** die raad van die Stad Kaapstad soos volg:”.

**Wysiging van artikel 1 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**2.** Artikel 1 van die hoofverordening word hiermee gewysig –

(1) deur die woordomskrywings van **"direkteur: water en sanitasie"**, **"niedrinkbare water"**, **"stadsbestuurder"** en **"uitvoerende direkteur: stadsgesondheid"** te skrap;

(2) deur die volgende woordomskrywing na die woordomskrywing van "eienaar" in te voeg:

" **'gehalteparameters'** die vlak van die gehalte van chemiese, fisiese en mikrobiologiese bestanddele in die water;";

(3) deur die woordomskrywing van "gemagtigde amptenaar" deur die volgende woordomskrywing te vervang:

" **'gemagtigde amptenaar' ['n gemagtigde amptenaar van die Stad, aangestel deur die direkteur:water en sanitasie om die bepalings van hierdie verordening toe te pas]** 'n werknemer van die Stad wat verantwoordelik is vir die verrigting van enige plig of funksie of die uitoefening van enige bevoegdheid ingevolge hierdie verordening en sluit in werknemers aan wie die verrigting of uitoefening van sodanige pligte, funksies of bevoegdhede gedelegeer is;";

(4) deur die woordomskrywing van "raad" deur die volgende woordomskrywing te vervang:

" **'raad'** die munisipale raad van die Stad **[of enige van die ander politieke strukture, politieke ampsdraers, raadslede of personeellede van die Stad aan wie tersaaklike bevoegdhede behoorlik oorgedra is]**;";

(5) deur die woordomskrywing van "Stad" deur die volgende woordomskrywing te vervang:

" **'Stad'** die Stad Kaapstad, **[soos ingevolge artikel 12 van]** 'n munisipaliteit ingestel deur die Stad Kaapstad Instellingkennisgewing 479 van 22 Desember 2000, uitgereik ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) **[volgens Provinsiale Kennisgewing nr. 479 van 22 Desember 2000 ingestel]** of enige struktuur of werknemer van die Stad wat kragtens gedelegeerde magtiging optree;"; en

(6) deur die woordomskrywing van "verbruiker" deur die volgende woordomskrywing te vervang:

" **'verbruiker'** 'n persoon of gebruiker wat van die **[direkteur: water en sanitasie]** Stad goedkeuring ontvang het om behandelde uitvloeiwater te gebruik van enige installasie wat aan 'n aansluitingspyp verbind is, wat op sy beurt uit 'n hoofwaterpyp van behandelde uitvloeiwater verskaf word;".

**Herroeping van artikels 3, 4 en 5 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**3.** Artikels 3, 4 en 5 van die hoofverordening word hiermee herroep.

**Vervanging van woorde in die volgende artikels van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**4.** (1) Artikels 6(1);(2), 7(1), 11, 12(1), 14, 15(2), 19, 20(1);(2), 21(4), 22(1);(2), 23(1); (3)(a);(7), 24, 25, 27, 28, 36(2) en 37 word hiermee gewysig deur die woorde "direkteur: water en sanitasie", waar dit ook al voorkom, deur die woorde "gemagtigde amptenaar" te vervang.

(2) Artikels 8(3), 15(1);(3) en 20(3) word hiermee gewysig deur die woorde "direkteur: water en sanitasie" deur die woord "Stad" te vervang.

**Wysiging van artikel 9 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**5.** Artikel 9 word hiermee gewysig –

(1) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Indien 'n persoon aan wie 'n kennisgewing ingevolge subartikel (2) hier bo bestel is, versuim om aan die vereistes van die kennisgewing te voldoen, kan die **[direkteur: water en sanitasie]** Stad sodanige stappe doen as wat nodig **[blyk te]** mag wees om die toestand op onkoste van die verantwoordelike persoon reg te stel, of enige ander stappe wat nodig **[blyk te wees]** is om nakoming te verseker, wat die onmiddellike afsluiting van die watertoevoer insluit."; en

(2) deur die volgende subartikel na subartikel (3) in te voeg:

"(3A) Daar word geag dat 'n nakomingskennisgewing afdoende en effektief op sodanige persoon bestel is –

(a) wanneer dit by hom/haar persoonlik afgelewer is;

(b) wanneer dit by sy/haar woon- of werkplek in die Republiek van Suid-Afrika gelaat is by 'n persoon wat oënskynlik ouer as 16 jaar is;

(c) wanneer dit per geregistreerde of gesertifiseerde pos gestuur is na sy/haar laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die pos daarvan getoon word;

(d) indien sy/haar adres in die Republiek onbekend is, wanneer dit op sy/haar agent of verteenwoordiger in die Republiek bestel is op die wyse wat in paragraaf (a), (b) of (c) beoog word; of

(e) indien sy/haar adres of dié van 'n agent in die Republiek onbekend is, wanneer dit op 'n opvallende plek op die onroerende eiendom waarop dit betrekking het, opgeplak is.";

(3) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) **[Onderworpe aan die bepalings van hierdie verordening, behou die direkteur: water en sanitasie die reg om enige stappe te doen, wat die onmiddellike afsluiting van die watertoevoer in toepaslike omstandighede insluit.]** Enige koste wat deur die Stad aangegaan word in die loop van die regstelling van die oortreding soos in subartikel (3) beoog, kan ingevolge die Stad se Verordening op Kredietbeheer en Skuldinvordering verhaal word.".

**Vervanging van artikel 10 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**6.** Artikel 10 van die hoofverordening word hiermee deur die volgende artikel vervang:

"**10.** Die eienaar is daarvoor verantwoordelik om te verseker dat hierdie verordening en die Nasionale Waterwet, 1998 (Wet 36 van 1998), nagekom word met betrekking tot alle sake rakende –

(a) die gebruik van behandelde uitvloeiwater;

(b) behandelde-uitvloeiwaterinstallasies; en

(c) die instandhouding van behandelde-uitvloeiwaterinstallasies.".

**Wysiging van artikel 13 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**7.** Artikel 13 word hiermee gewysig deur in subartikel (2) die woord "bevat" deur die woord "insluit" te vervang.

**Wysiging van artikel 26 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**8.** Artikel 26 word hiermee gewysig –

(1) deur in subartikels (1) en (2) die woorde "direkteur: water en sanitasie", waar dit ook al voorkom, deur die woorde "gemagtigde amptenaar" te vervang; en

(2) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die verbruiker moet in kennis gestel word van die metode wat die **[direkteur: water en sanitasie]** gemagtigde amptenaar gebruik het om die hoeveelheid behandelde uitvloeiwater wat aan die verbruiker verskaf is te raam, soos in subartikel (1) en (2) hier bo beoog **[en moet voorts geleentheid ontvang om vertoë tot die direkteur: water en sanitasie te rig voordat daar op 'n finale raming besluit word.]**".

**Wysiging van artikel 29 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**9.** Artikel 29 word hiermee gewysig –

(1) deur in subartikels (2), (3) en (4) die woorde "direkteur: water en sanitasie", waar dit ook al voorkom, deur die woorde "gemagtigde amptenaar" te vervang; en

(c) deur subartikel (5) te skrap.

**Wysiging van artikel 30 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**10.** Artikel 30 word hiermee gewysig –

(1) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) In 'n gebied waar behandelde **[rioolwater]** uitvloeiwater gebruik word, **[sal]** moet die verbruiker op opvallende plekke weerbestande tekens aanbring wat waarsku dat sodanige water nie vir huishoudelike doeleindes geskik is nie."; en

(2) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Onderworpe aan nasionale of enige ander wetgewing, kan die **[direkteur: water en sanitasie]** gemagtigde amptenaar bylae 2 by hierdie verordening vervang, en hersiene of nuwe tekenstandaarde met betrekking tot hierdie artikel uitreik.".

**Wysiging van artikel 31 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**11.** Artikel 31 word hiermee gewysig –

(1) deur in subartikel (3) die woorde "direkteur: water en sanitasie" deur die woorde "gemagtigde amptenaar" te vervang; en

(2) deur subartikel (9) deur die volgende subartikel te vervang:

"(9) Alle **[onbedekte]** pypleidings **[sal]** moet oranje geverf en van 'n toepaslike ontwerp wees."

**Wysiging van artikel 32 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**12.** Artikel 32 word hiermee gewysig –

(1) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) 'n Verbruiker wat behandelde uitvloeiwater vir besproeiingsdoeleindes gebruik, is daarvoor verantwoordelik om die gehalte van die behandelde uitvloeiwater te moniteer en om te verseker dat verslae van sodanige monitering onmiddellik aan en op versoek van 'n gemagtigde amptenaar beskikbaar gestel word.";

(2) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Indien 'n verbruiker behandelde uitvloeiwater van 'n ander gehalte as wat aan hom/haar verskaf word of 'n ander parameter-ontleding as wat op die uitvloeiwater gedoen word, wil hê, berus dit op sodanige verbruiker om die uitvloeiwater op eie koste te laat verbeter of te laat ontleed om aan sy/haar behoeftes te voldoen.".

**Herroeping van artikel 33 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**13.** Artikel 33 word hiermee herroep.

**Herroeping van artikel 34 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**14.** Artikel 34 word hiermee herroep.

**Wysiging van bylae 2 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**15.** Bylae 2 word hiermee gewysig deur die embleem van die Stad se logo te skrap.

**Herroeping van bylae 3 van die Stad Kaapstad: Verordening op Behandelde Uitvloeiwater, 2010**

**16.** Bylae 3 word hiermee herroep.

**Kort titel**

**17.** Hierdie verordening staan bekend as die Stad Kaapstad: Wysigingsverordening op Behandelde Uitvloeiwater, 2015

**ISAZISO SEPHONDO**

I.S. 299/2015 28 kweyeThupha 2015

**UMTHETHO KAMASIPALA WESIXEKO SASEKAPA: WAMANZI ACOCIWEYO, 2015**

INGCACISO GABALALA:

**[ ]** Amagama abhalwe ngqindilili afakwe kwizikwere abonisa izinto ezishiweyo kumthetho okhoyo.

_____ Amagama akrwelele umgca abonisa izinto ezifakelweyo kumthetho okhoyo.

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**Ukwenza izilungiso kwimiqathango yoMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, ka-2010; ukucima nokufakela iinkcazelo ezithile; ukwenza izilungiso kwimiqathango emalunga nezaziso zothotyelo; nokubonelela ngemiba ehambelana naleyo.**

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MAWUPHUNYEZWE liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo: –

**Ukufakelwa kweMbulambethe**

**1.** UMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, ka-2010 (ekubhekiwe kuwo apha njengomthetho-ngqangi) wenziwa izilungiso ngokuthi kufakelwe emva kwesihloko eside kwale mbulambethe ilandelayo:

"**Imbulambethe**

**NJENGOKUBA** uMgaqosiseko unika amagunya oomasipala ukuba benze imithetho yoomasipala ukuze bakwazi ukulawula imiba yoorhulumente bemimandla njengoko kuchaziwe kwiNxalenye B yeShedyuli 4 neNxalenye B yeShedyuli 5 ezifundwa necandelo 156 loMgaqosiseko;

**NJENGOKUBA** ulawulo lwezinto ezihlalisa kakubi uluntu ingumba olawula ngoorhulumente bemimandla njengoko kuchaziwe kwiNxalenye B yeShedyuli 5 yoMgaqosiseko;

**NJENGOKUBA** iSixeko saseKapa inguGunyaziwe weeNkonzo zaManzi, iZiko leeNkonzo zaManzi noMboneleli weeNkonzo zaManzi ngokomthetho iWater Services Act, 1997 (uMthetho Nomb. 108 ka-1997);

**NANJENGOKUBA** iSixeko saseKapa sifuna ukunyanzelisa amagunya aso okulawula imisebenzi edibene nobonelelo lwamanzi kunye nokusetyenziswa nokubonelela ngamanzi acociweyo;

**MAWUPHUNYEZWE KE NGOKO** liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo:–".

**Ukwenziwa kwezilungiso kwicandelo 1 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**2.** ICandelo 1 loMthetho-ngqangi kaMasipala lenziwa izilungiso–

(1) ngokuthi endaweni yenkcazelo yegama elithi "igosa eligunyazisiweyo" kufakwe le nkcazelo ilandelayo:

" **'igosa eligunyazisiweyo'** lithetha umsebenzi weSixeko onoxanduva lokwenza nawuphi na umsebenzi okanye asebenzise nawaphi na amagunya ngokwalo Mthetho kaMasipala yaye libandakanya abasebenzi abanikwe loo misebenzi okanye loo magunya;";

(2) ngokuthi endaweni yenkcazelo yegama elithi "iSixeko" kufakwe le nkcazelo ilandelayo:

" **'ISixeko'** sithetha iSixeko saseKapa, umasipala omiselwe ngeSaziso seSixeko saseKapa Nomb. 479 sowe-22 Septemba 2000, esakhutshwa kulandelwa umthetho iLocal Government: Municipal Structures Act, 1998, okanye nasiphi na isiseko okanye umsebenzi weSixeko osebenza ngokwamagunya awanikiweyo;";

(3) ngokuthi endaweni yenkcazelo yegama elithi "umsebenzisi-nkonzo" kufakwe le nkcazelo ilandelayo:

" **'umsebenzisi-nkonzo'** uthetha umntu okanye umsebenzisi ovunywe **[nguMlawuli: weCandelo laManzi noCoceko]** leSixeko ukuba acoce amanzi asuka nakweyiphi imibhobho edityaniswe kumbhobho wokudibanisa ohambisa amanzi amdaka acociweyo osuka kumbhobho omkhulu;";

(4) ngokuthi endaweni yenkcazelo yegama elithi "iBhunga" kufakwe le nkcazelo ilandelayo:

" **'iBhunga'**" lithetha iBhunga likaMasipala weSixeko;

(5) ngokuthi kucinywe iinkcazelo zika**"UMlawuli wesiXeko"**, **"uMlawuli: Amanzi noCoceko"**, **"uMlawuli oMkhulu: ezeMpilo zesiXeko"** kunye **"naManzi angatyiwayo"**.

(6) ngokufakelwa emva kwenkcazelo yegama elithi " **intlawulo ebekiweyo** " kwale nkcazelo ilandelayo:
**"imida yokujonga imigangatho"** ithetha umgangatho wekhemikhali nezinto eziqulethwe ngaphakathi emanzini".

**Ukubhangiswa kwamacandelo 3, 4 nelesi-5 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**3.** Amacandelo 3, 4 nele-5 oMthetho-ngqangi kaMasipala ayabhangiswa.

**Ukutshintshwa kwamagama kula macandelo alandelayo oMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**4.** (1) Amacandelo 6(1);(2), 7(1),11, 12(1), 14, 15(2), 19, 20(1);(2), 21(4), 22(1);(2), 23(1);(3)(a); (7), 24, 25, 27, 28, 36(2) nelama-37 enziwa izilungiso ngokutshintshwa kwamagama athi "UMlawuli: waManzi noCoceko", naphi na apho avela khona, kufakwe athi "igosa eligunyazisiweyo".

(2) Amacandelo 8 (3), 15(1); (3) nelama-20(3) enziwa izilungiso ngokutshintshwa kwamagama athi "UMlawuli: waManzi noCoceko" kufakwe elithi "iSixeko".

**Ukwenziwa kwezilungiso kwicandelo 9 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**5.** ICandelo 9 lenziwa izilungiso –

(1) ngokufakela endaweni yecandelwana (3) kweli candelwana lilandelayo:

"(3) Ukuba umntu owayenikwe isaziso ngokwecandelwana (2), akayithobeli imiqathango yesaziso, **[UMlawuli: waManzi noCoceko]** iSixeko sisenokuthatha amanyathelo afanelekileyo ukulungisa le meko ngendleko zalo mntu wenze oko, okanye athathe nawaphi amanyathelo **[abonwa]** efanelekile ukuqinisekisa uthotyelo, kubandakanywa ukuvalwa kwamanzi."; kunye

(2)nangokufakela emva kwecandelwana (3) kweli candelwana lilandelayo:

"(3A) Isaziso sothotyelo sithathwa ngokuba sihanjisiwe kumntu lowo –

(a) ukuba sinikwe yena ngqo esandleni;

(b) xa sishiywe kwindawo ahlala kuyo okanye kwishishini lakhe naphi na kwiRiphabliki yoMzantsi Afrika xa umntu eneminyaka engaphezu kwe-16;

(c) xa iposwa ngeleta erejistarishiweyo okanye esetifayiweyo kwidilesi yendawo awayehlala kuyo okanye awayeneshishini kuyo kwiRiphabliki yaye ubungqina bokuyiposa buyaboniswa;

(d) ukuba idilesi yakhe kwiRiphabliki ayaziwa, xa inikwe ummeli kwiRiphabliki ngendlela echazwe kumhlathi (a), (b) okanye u-(c); okanye

(e) ukuba idilesi yakhe okanye eyommeli wakhe kwiRiphabliki ayaziwa, emva kokuba iposelwe kwipropati eyindawo engahambisekiyo.";

(3) ngokufakela endaweni yecandelwana (4) kweli candelwana lilandelayo:

"(4) **[UMlawuli: waManzi noCoceko, ngokwezibonelelo zalo Mthetho kaMasipala, unegunya lokuthatha nawaphi amanyathelo kubandakanya nokuvala amanzi ngoko nangoko kwiimeko ezifanelekileyo.]** Naziphi na iindleko esingene kuzo iSixeko xa silungisa ulwaphulo-mthetho njengoko kuchaziwe kwicandelwana (3), ziya kubuyiswa kulandelwa iMithetho kaMasipala yokuLawula aMatyala nokuQokelela aMatyala yeSixeko.".

**Ukufakela endaweni yecandelo 10 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**6.** Eli candelo lilandelayo lingena endaweni yecandelo 10 loMthetho-ngqangi kaMasipala:

"**10.** Umnini unoxanduva lokuqinisekisa ukuthotyelwa kwalo Mthetho kaMasipala kunye noMthetho waManzi weSizwe, ka-1998 (uMthetho Nomb.36 ka-1998) kuyo yonke imiba emalunga –

(a) namanzi acociweyo;

(b) ukufakelwa kwamanzi acociweyo; kunye

(c) nokumenteyinwa kwamanzi acociweyo afakiweyo.".

**Ukwenziwa kwezilungiso kwicandelo 13 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**7.** ICandelo 13 lenziwa izilungiso ngokuthi kwicandelwana (2) kutshintshwe igama elithi "olukwi-" kufakwe igama elithi "olubandakanya".

**Ukwenziwa kwezilungiso kwicandelo 26 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**8.** ICandelo 26 lenziwa izilungiso –

(1) ngokuthi kula macandelwana (1) no-(2) kutshintshwe amagama athi "UMlawuli: waManzi noCoceko", naphi na apho avela khona kufakwe athi "igosa eligunyazisiweyo"; kwanokuba

(2) endaweni yecandelwana (3) kufakwe eli candelwana lilandelayo:

"26.(3) Umsebenzisi-nkonzo makaziswe ngendlela esetyenzisiweyo **nguMlawuli: waManzi noCoceko]** igosa eligunyazisiweyo ukuqikelela ubungakanani bamanzi amdaka acociweyo anikeziweyo kuye njengoko kucingelwe kwicandelwana (1) kunye no-(2) **[aze anikwe ithuba lokuthetha noMlawuli: Amanzi noCoceko ngaphambi kokuba kufikwe kuqikelelo lokugqibela olululo.]**.".

**Ukwenziwa kwezilungiso kwicandelo 29 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**9.** ICandelo 29 lenziwa izilungiso –

(1) ngokuthi kula macandelwana (2), (3), nele-(4) kutshintshwe amagama athi "UMlawuli: Amanzi noCoceko", naphi na apho avela khona, kufakwe athi "igosa eligunyazisiweyo"; kunye

(2) nokucinywa kwecandelwana (5).

**Ukwenziwa kwezilungiso kwicandelo 30 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**10.** ICandelo 30 lenziwa izilungiso –

(1) ngokufakela endaweni yamacandelwana (1) nele-(2) kweli candelwana lilandelayo:

" **30.**(1) Umnini wesakhiwo, **[,]**apho **[amanzi angaselwayo]** <u>amanzi acociweyo</u> asetyenziswa khona, makaqinisekise ukuba bonke ubuxhaka-xhaka bamanzi nazo zonke izixhobo ezihambisa okanye ezisebenzisa amanzi ziphawulwe ngokucacileyo ngombhalo ongenakucimeka ngenxa yemozulu ocacisa ukuba loo manzi awatyiwa.

(2) Kwindawo apho kusetyenziswa **[amanzi elindle]** <u>amanzi acociweyo</u>, umsebenzisi-nkonzo makaxhome izilumkiso kwiindawo ezibonakalayo elumkisa ukuba loo manzi akatyiwa.." ;kunye

(2) nangokufakela endaweni yecandelwana (5) kweli candelwana lilandelayo:

"(5) Izilumkiso ezibhalwe kakhulu ezicacisa ukuba kusetyenziswa **[amanzi angaselwayo]** <u>amanzi acociweyo</u> mazibekwe kwindawo ebonakala kakuhle kwindlela kawonke-wonke, kwiindawo ezikhonjwe sisiXeko."

(3) ngokuthi kufakwe endaweni yecandelwana (6) eli candelwana lilandelayo:

(6) **[UMlawuli: waManzi noCoceko]** <u>igosa eligunyazisiweyo</u> linakho, kuxhomekeka kumthetho wesizwe okanye nawuphi umthetho, ukutshintsha uShedyuli 2 ngalo Mthetho kaMasipala ukuba likhuphe imibhalo etshintshiweyo okanye emitsha eza kusetyenziswa ngokweli candelo.".

**Ukwenziwa kwezilungiso kwicandelo 31 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**11.** ICandelo 31 lenziwa izilungiso –

(1) ngokuthi kwicandelwana (3) endaweni yamagama athi "UMlawuli: waManzi noCoceko", kufakwe amagama athi "igosa eligunyazisiweyo"; kunye

"(9) Yonke imibhobho **[evele ngaphezulu] [mayipentwe]** kufuneka ipeyintwe ngombala o-orenji yaye iphawulwe ngokufanelekileyo."

**Ukwenziwa kwezilungiso kwicandelo 32 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**12.** ICandelo 32 lenziwa izilungiso –

(1) ngokufakela endaweni yecandelwana (4) kweli candelwana lilandelayo:

"(4) Umsebenzisi osebenzisa amanzi acociweyo ukuba ankcenkceshele ngawo unoxanduva lokubeka iliso kumgangatho wamanzi acociweyo ukuqinisekisa ukuba iingxelo zolo bekoliso ziyafumaneka ngoko nangoko xa zifunwa ligosa eligunyazisiweyo.";

(2) ngokufakela endaweni yecandelwana (5) kweli candelwana lilandelayo:

"(5) Ukuba umsebenzisi ufuna imo yomgangatho eyahlukileyo okanye uhlelo lwemida lwamanzi acociweyo kulawo anikwa wona okanye ufuna ukuba amanzi acociweyo ahlolwe, kufuneka uphuculo okanye uhlelo olo alwenze ngendleko zakhe ukuze amanzi abe kulo mgangatho awufunayo.".

**Ukubhangiswa kwecandelo 33 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**13.** ICandelo 33 liyabhangiswa.

**Ukubhangiswa kwecandelo 34 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**14.** ICandelo 34 liyabhangiswa.

**Ukwenziwa kwezilungiso kwishedyuli 2 yoMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**15.** IShedyuli 2 yenziwa izilungiso ngokucinywa kophawu lweSixeko.

**Ukubhangiswa kweShedyuli 3 loMthetho kaMasipala weSixeko saseKapa: waManzi aCociweyo, 2010**

**16.** UShedyuli 3 uyabhangiswa.

**Isihloko esifutshane**

**17.** Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso weSixeko saseKapa: waManzi aCociweyo, 2015.