

*Statutory Instrument No. 69 of 1972*

LOCAL GOVERNMENT (DISTRICT COUNCILS) LAW, 1965  
(35 of 1965)

**KANYE (WATER FEES) BYE-LAWS, 1972**

*(Published on the 15th September, 1972)*

IN EXERCISE of the powers conferred by Section 31 of the Local Government (District Councils) Law, 1965 the Southern District Council has made the following bye-laws —

1. These bye-laws may be cited as the Kanye (Water Fees) Bye-Laws, Citation 1972.

2. These bye-laws shall apply to the village of Kanye.

Application

3. In these bye-laws, unless the context otherwise requires —

Inter-  
pretation

“business” means any undertaking carried on for profit or reward from fixed premises within the village of Kanye, 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 in terms of the Local Government Tax Law, 1965;

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“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;

“Water Authority” means the authority appointed for the village of Kanye under section 4 of the Waterworks Law, 1961.

4. (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 R2.00 or as prescribed from time to time by the Council.

Annual water  
fees

(2) Such fee shall become due and payable on the 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.

Liability for water fees

5. (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.

Exemption from liability for water fees

6. 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.

Collection of water fees and issue of receipts

7. (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 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.

Drawing of water from public taps for use in business

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

(3) 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.** (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 within the village of Kanye authorising the drawing of a quantity of water not less than the capacity of such drum or container.

Drawing of water from public taps into drums or container restricted

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

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

**10.** Any person may apply to the Water Authority in the village of Kanye 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.

**11.** (1) No person shall draw water at a private tap without the consent of the lolwapa or the occupier or owner of the private dwelling-house or premises within the confines of which it is located.

Drawing of water at private taps restricted

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

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

Livestock not to be watered at public taps

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

**13.** (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.

Attachment of hosepipes or other conduits to public taps prohibited

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

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

Interference with pipelines etc. prohibited.

(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.

Production  
of water fees  
receipts

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

**15.** (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 the 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 of R20 and to imprisonment for one month.

Penalty

**16.** Any person guilty of an offence under bye-law 8 (1), 9 (1), 11 (1), 12 (1), 13 (1) or 14 (1) shall be liable to a fine of R50 and to imprisonment for two months.

## 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  $Lo 25^\circ$ .”

**SECOND SCHEDULE**  
**KANYE (WATER FEES) BYE-LAWS, 1972**  
**WATER (BUSINESS USE) PERMIT**  
(Bye-Law 9 (1))

Name of Permit-holder: .....

Name of Business, if different from above: .....

Type of Business: .....

Fee Paid: .....

Date of Expiration of Permit: 31st December, 19.....

This is to certify that the permit-holder named above has paid a fee in terms of bye-law 9 of the Kanye (Water Fees) Bye-Laws, 1972, 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 said business.

Date: .....

\_\_\_\_\_  
*Authorised Officer*

**THIRD SCHEDULE**  
**FEES FOR WATER (BUSINESS USE) PERMITS**  
(Bye-Law 9 (2))

Business requiring General Trading Licence:	R10 per annum
Business requiring small General Trading Licence:	R10 per annum
Business requiring Restaurant Licence:	R10 per annum
Business requiring Fresh Produce Licence:	R10 per annum
Business requiring Petrol Filling Station Licence:	R10 per annum
Brickmakers' Business:	R10 per annum
Any other business:	As determined in each case by the Council.

**FOURTH SCHEDULE**

(Bye-Law 10 (1))

**WATER POINTS**

Goo Bome Borehole Pumphouse tap  
Mmasekou Borehole Pumphouse tap  
Mmatshitswana Borehole Pumphouse tap

**FIFTH SCHEDULE**

(Bye-Law 10 (2))

**PRICE OF WATER TICKETS**

Tickets authorising the drawing of not more than 200 litres  
(44 gallons): 5 cents

Made the        day of        , 1972.

*Secretary to the Council.*

Approved by the Minister of Local Government and Lands on the 11th  
day of September, 1972.

**R.N. MANNATHOKO,**  
*Permanent Secretary,*  
*Ministry of Local Government and Lands.*

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