

# STORMWATER MANAGEMENT BY-LAW

APPROVED BY COUNCIL : 30 AUGUST 2005  
C 35/08/05

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PG 6300; LA 31420

CITY OF CAPE TOWN

BY-LAW RELATING TO STORMWATER MANAGEMENT

(Approved by Council on 30 August 2005—C35/08/05)

*To provide for the regulation of stormwater management in the area of the City of Cape Town, and to regulate activities which may have a detrimental effect on the development, operation or maintenance of the stormwater system.*

**1. Definitions**

In this by-law, unless inconsistent with the context:—

“**Council**” means the municipal council of the City of Cape Town, or any political structure, political office-bearer, committee, councillor, or official of the Council, delegated to exercise powers or perform duties in terms of this by-law;

“**floodplain**” means the land adjoining a watercourse which, in the opinion of the Council, is susceptible to inundation by floods up to the one hundred year recurrence interval;

“**private stormwater system**” means a stormwater system owned, operated or maintained by a person other than the Council;

“**stormwater**” means water resulting from natural precipitation and/or the accumulation thereof and includes groundwater and spring water ordinarily conveyed by the stormwater system, as well as sea water within estuaries, but excludes water in a drinking water or waste water reticulation system;

“**stormwater system**” means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

“**water pollution incident**” means an incident or occurrence which has a detrimental impact or a potential detrimental impact on the quality of the water in the stormwater system to such an extent that public health or the health of natural ecosystems may be threatened, and

“**watercourse**” means:—

(a) a river, spring, stream, channel or canal in which water flows regularly or intermittently, and

(b) a vlei, wetland, dam or lake into which or from which water flows,

and includes, where relevant, the bed and the banks of such watercourse.

**2. Application**

- (1) This by-law binds any organ of state.
- (2) Any provision in any other by-law dealing specifically with stormwater, is subject to the provisions of this by-law.

**3. Prohibited discharges**

No person may, except with the written consent of the Council and subject to any conditions it may impose, discharge, permit to enter or place anything other than stormwater into the stormwater system.

**4. Protection of stormwater system**

No person may, except with the written consent of the Council and subject to any conditions it may impose—

- (a) damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the stormwater system or the operation thereof;
- (b) discharge from any place, or place onto any surface, any substance other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;
- (c) discharge, permit to enter or place anything likely to damage the stormwater system or interfere with the operation thereof or contaminate or pollute the water therein;
- (d) construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the stormwater system or the operation thereof; or
- (e) make an opening into a stormwater pipe, canal or culvert; or
- (f) drain, abstract or divert any water directly from the stormwater system, or
- (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system.

**5. Prevention of flood risk**

No person may, except with the written consent of the Council and subject to any conditions it may impose—

- (a) obstruct or reduce the capacity of the stormwater system;
- (b) change the design or the use of, or otherwise modify any aspect of the stormwater system which, alone or in combination with other existing or potential land uses, may cause an increase in flood levels or create a potential flood risk; or
- (c) undertake any activity which, alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.

**6. Studies and assessments**

- (1) The conditions which the Council may impose in terms of Sections 3, 4, and 5, may include, but are not limited to—
  - (a) the establishment of flood lines;
  - (b) the undertaking of impact assessments, and
  - (c) environmental impact studies or investigations which may be required by any applicable environmental legislation.
- (2) The costs of any study undertaken in terms of the provisions of subsection (1), will be for the account of the applicant.

**7. Water pollution incidents**

In the event of an incident contemplated in Section 3 or Section 4(b) and (c)—

- (a) the owner of the property on which the incident took place, or is still in the process of taking place, or
- (b) the person responsible for the incident, if the incident is not the result of natural causes,

shall immediately report the incident to the council, and at own cost, take all reasonable measures which, in the opinion of the Council, will contain and minimise the effects of the pollution, by undertaking cleaning up procedures, including the rehabilitation of the environment, as required by the Council.

**8. Stormwater systems on private land**

- (1) Every owner of property on which private stormwater systems are located, shall—
  - (a) not carry out any activity which will or which, in the opinion of the Council, could reasonably be expected to impair the effective functioning of the stormwater system, and
  - (b) at own cost, keep such stormwater systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Council, it should be reconstructed or refurbished.
- (2) The provisions of subsection (1) do not apply to the extent that the Council has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of a servitude.

**9. Provision of Infrastructure**

- (1) The Council may—
- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the stormwater system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the municipality;
  - (b) drain stormwater or discharge water from any municipal service works into any natural watercourse, and
  - (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subsection (a).
- (2) When the Council exercises its powers in terms of subsection (1)(a) in regard to immovable property not owned by the municipality, it shall comply with the provisions of the By-law Relating to the Management and Administration of the City of Cape Town's immovable Property.

**10. Powers of the Council**

- (1) The Council may—
- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of the provisions of this by-law;
  - (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (c) repair and make good any damage done in contravention of the provisions of this by-law or resulting from a contravention;
  - (d) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this by-law;
  - (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
  - (f) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
  - (g) cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
  - (h) by written notice, direct any owner of property to allow the owner of a higher lying property to lay a stormwater drain pipe or gutter over his or her property for the draining of concentrated stormwater;
  - (i) by written notice, direct any owner of property to retain stormwater on such property or, at the cost of such owner, to lay a stormwater drain pipe or gutter to a suitable place indicated by the Council, irrespective of whether the course of the pipe or gutter will run over private property or not, and
  - (j) discharge stormwater into any watercourse, whether on private land or not.
- (2) The Council may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the Council may deem necessary to prevent the occurrence of such contravention.
- (3) The Council may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

**11. Offences and penalties**

- (1) Any person who—
- (a) contravenes any provision of this by-law;
  - (b) fails to comply with the terms of any notice issued in terms of this by-law;
  - (c) threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at a councillor or an employee or contractor of the Council in the exercise of any powers or performance of any duties or function in terms of this by-law, or falsely holds himself or herself to be a councillor or an employee or a contractor of the Council,

shall be guilty of an offence and be liable, on conviction, to the payment of a fine.

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## STAD KAAPSTAD

**VERORDENING OP VLOEDWATERBESTUUR**

(Deur die Raad op 30 Augustus 2005 goedgekeur—C35/08/05)

*Om voorsiening te maak vir die regulering van vloedwaterbestuur in die gebied van die Stad Kaapstad, en om die aktiwiteite te reguleer wat 'n nadelige uitwerking op die ontwikkeling, werking of instandhouding van die vloedwaterstelsel kan hê.*

**1. Woordomsrywings**

In hierdie verordening, tensy uit die samehang anders blyk, beteken—

“**private vloedwaterstelsel**” ’n vloedwaterstelsel wat deur ’n persoon buiten die Raad besit, bedryf of in stand gehou word;

“**Raad**” die munisipale raad van die Stad Kaapstad, of enige politieke struktuur, politieke ampsdraer, komitee, raadslid, of amptenaar van die Raad wat gemagtig is om ingevolge ierdie verordening bevoegdheide uit te oefen of pligte uit te voer;

“**vloedplein**” die grond wat aan ’n waterloop grens en wat volgens die Raad se mening nie bestand is teen oorstroming tot by die honderdjaar-herhalingsinterval nie;

“**vloedwater**” water afkomstig van natuurlike neerslag en/of die opgaring daarvan en behels grondwater en bronwater wat gewoonlik deur die vloedwaterstelsel vervoer word, asook seewater in riviermondings, maar sluit water in ’n drinkwater- of afvalwaterretikulasiestelsel uit;

“**vloedwaterstelsel**” die opgerigte en natuurlike geriewe waaronder pype, duikslote, waterlope en hulle meegaande vloedpleine, hetsy oor of onder grond in openbare of private besit, wat vir die bestuur, versameling, vervoer, tydelike berging, beheer, monitor, behandeling, gebruik en wegvoer van vloedwater gebruik of vereis word;

“**waterbesoedelingsvoorval**” ’n voorval of gebeurtenis wat ’n nadelige uitwerking of ’n moontlike nadelige uitwerking op die gehalte van die water in die vloedwaterstelsel het tot so ’n mate dat openbare gesondheid of die gesondheid van natuurlike ekosistels bedreig mag word, en

“**waterloop**”

- (a) ’n rivier, bron, stroom, sloot of kanaal waarin water gereeld of met tussenposes vloei, en
- (b) ’n vlei, moeras, dam of meer waarin of waaruit water vloei,

en behels, waar tersaaklik, die bedding en oevers van sodanige waterlope.

## 2. Toepassing

- (1) Hierdie verordening bind enige staatsorgaan.
- (2) Enige bepaling in enige ander verordening spesifiek ten opsigte van vloedwater, is onderworpe aan die bepalings van hierdie verordening.

## 3. Verbode afvoer

Geen persoon mag, behalwe met die geskrewe vergunning van die Raad en behoudens enige voorwaardes wat dit mag oplê, enigiets anders as vloedwater in die vloedwaterstelsel afvoer, daarin toelaat of daarin plaas nie.

## 4. Beskerming van vloedwaterstelsel

Geen persoon mag, behalwe met geskrewe vergunning van die Raad en behoudens enige voorwaardes wat dit mag oplê—

- (a) die vloedwaterstelsel of die werking daarvan beskadig, bedreig, vernietig of op enige wyse optree wat die vloedwaterstelsel of die werking daarvan waarskynlik sal beskadig, bedreig of vernietig nie;
- (b) enige ander materie behalwe vloedwater van enige plek afvoer of op enige oppervlakte plaas as daar redelikerwys verwag kan word dat daardie materie daarin sal slaag om in die vloedwaterstelsel te beland nie;
- (c) enigiets wat waarskynlik die vloedwaterstelsel kan beskadig of inmeng met die werking daarvan of die water daarin besmet of besoedel, afvoer of daarin toelaat of daarin plaas nie;
- (d) enige struktuur of ding oor of in so ’n posisie of op so ’n manier bou of oprig dat dit inmeng met of die vloedwaterstelsel of die werking daarvan bedreig nie; of
- (e) ’n opening in ’n vloedwaterpyp, kanaal of duikslot maak nie; of
- (f) enige water regstreeks uit die vloedwaterstelsel afvoer, onttrek of aflei nie, of
- (g) die grond bokant, binne-in, onder of onmiddellik langs aan enige deel van die vloedwaterstelsel vul, uitgrawe, vorm, tuinuitleg doen of die grond bo-op oopmaak of verwyder nie.

## 5. Voorkoming van vloedgevaar

Geen persoon mag, behalwe met geskrewe vergunning van die Raad en behoudens enige voorwaardes wat dit mag oplê—

- (a) die kapasiteit van die vloedwaterstelsel versper of verminder nie;
- (b) die ontwerp of die gebruik van enige aspek van die vloedwaterstelsel wat op sigself of tesame met ander bestaande of moontlike grondgebruik aanleiding gee tot ’n toename in vloedvlakke of ’n moontlike vloedgevaar skep, verander of andersins wysig nie; of
- (c) enigiets doen wat op sigself of tesame met ander bestaande of toekomstige aktiwiteite ’n toename in vloedvlakke kan veroorsaak of ’n moontlike vloedgevaar kan skep nie.

## 6. Studies en beoordelings

- (1) Die voorwaardes wat die Raad ingevolge artikels 3, 4 en 5 mag oplê, mag behels, maar is nie beperk tot—
  - (a) die vasstelling van vloedlyne;
  - (b) die doen van impakbeoordelings, en
  - (c) omgewingsimpakstudies of ondersoek wat deur enige toepaslike omgewingswetgewing vereis mag word.

- (2) Die koste van enige studie wat ingevolge die bepalings van subartikel (1) gedoen word, is vir die rekening van die aansoeker.

#### 7. Waterbesoedelingsvoorvalle

In die geval van 'n voorval beoog in artikel 3 of artikel 4(b) en (c) moet—

- (a) die eienaar van die eiendom waarop die voorval gebeur het, of nog aan die gang is, of
- (b) die persoon wat vir die voorval verantwoordelik is indien die voorval nie die gevolg van natuurlike oorsake is nie,

die voorval onmiddellik by die Raad aanmeld en op eie koste alle redelike maatreëls tref om, volgens die Raad se mening, die uitwerking van die besoedeling in bedwang te hou en te verminder deur skoonmaakprosesse in werking te stel, waaronder die rehabilitasie van die omgewing, soos deur die Raad vereis.

#### 8. Vloedwaterstelsels op private grond

- (1) Elke eienaar van eiendom waarop private vloedwaterstelsels geleë is, moet—

- (a) niks doen wat die doeltreffende funksionering van die vloedwaterstelsel benadeel of wat, volgens die Raad se mening, redelikerwys van verwag kan word om dit te benadeel nie, en
- (b) op eie koste sodanige vloedwaterstelsels doeltreffend laat werk en om dit onder meer op te knap en te reconstrueer indien dit volgens die Raad se mening gerekonstrueer en opgeknop moet word.

- (2) Die bepalings van subartikel (1) is nie van toepassing in die mate dat die Raad enige verantwoordelikheid aanvaar vir enige van die pligte daarin vervat nie, hetsy in 'n formele instandhoudingsooreenkoms of ingevolge 'n voorwaarde van 'n serwituut nie.

#### 9. Voorsiening van infrastruktuur

- (1) Die Raad mag—

- (a) enige dreine, pype of ander strukture ten opsigte van die vloedwaterstelsel op of onder enige onroerende eiendom uitbrei, verander of lê nie en die eienaarskap van hierdie dreine, pype en strukture berus by die munisipaliteit;
- (b) vloedwater afvoer of water uit enige munisipale diensaanlegte in enige natuurlike waterloop afvoer nie, en
- (c) niks anders doen wat nodig of wenslik is vir, of toevallig, aanvullend of bykomend is tot enige ander saak beoog in subartikel (a) nie.

- (2) Wanneer die Raad sy bevoegdhede betreffende onroerende eiendom wat nie deur die munisipaliteit besit word nie, ingevolge subartikel (1)(a) uitoefen, moet dit voldoen aan die bepalings van die Verordening op die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom.

#### 10. Bevoegdhede van die Raad

- (1) Die Raad mag—

- (a) enige gebou, struktuur of enige ander ding wat is strydig met die bepalings van hierdie verordening gebou, opgerig of gelê is, afbreek, verander of andersins daaraan aandag skenk;
- (b) enige grond wat strydig met die bepalings van hierdie verordening uitgegrawe, verwyder of geplaas is, opvul, verwyder en die skade vergoed;
- (c) enige skade wat strydig met die bepalings van hierdie verordening aangerig is of wat spruit uit sodanige oortreding, herstel en die skade vergoed;
- (d) enigiets verwyder wat strydig met die bepalings van hierdie verordening afgevoer is of toegelaat is om in die vloedwaterstelsel of natuurlike waterloop te beland;
- (e) enigiets verwyder wat skade aan enige deel van die vloedwaterstelsel kan berokken of dit versper of bedreig of dit waarskynlik kan versper, bedreig of vernietig;
- (f) enige afvoerpunt uit enige perseel afdig of afsluit indien sodanige afvoerpunt strydig is met die bepalings van hierdie verordening ongeag of die afvoerpunt vir wettige doeleindes gebruik word;
- (g) enige toestemming wat ingevolge hierdie verordening verleen is, kanselleer indien die voorwaardes ingevolge waarvan die toestemming verleen is, nie nagekom word nie;
- (h) enige eienaar van 'n eiendom skriftelik opdrag gee om die eienaar van 'n hoërliggende eiendom toe te laat om 'n vloedwaterafvoerpyp of afloopsloot oor sy of haar eiendom aan te lê vir die afvloei van gekonsentreerde vloedwater;
- (i) enige eienaar van 'n eiendom skriftelik opdrag gee om vloedwater op sodanige eiendom terug te hou op koste van die eienaar of om 'n vloedwaterafvoerpyp of afloopsloot aan te lê na 'n geskikte plek deur die Raad aangedui, ongeag of die pyp of afloopsloot oor private grond loop al dan nie, en
- (j) vloedwater in enige waterloop afvoer hetsy private grond al dan nie.

- (2) Die Raad mag in elke geval waar dit skyn asof enige doen of late deur enige persoon of eienaar van 'n eiendom tot 'n oortreding van die bepalings van hierdie verordening mag lei, skriftelik kennis gee aan sodanige persoon of eienaar van 'n eiendom om aan sodanige vereistes te voldoen as wat die Raad as noodsaaklik beskou om 'n herhaling van sodanige oortreding te verhoed.

- (3) Die Raad mag alle redelike koste wat opgeloop is as gevolg van optrede ingevolge subartikel (1), verhaal van 'n persoon wat verantwoordelik was vir 'n oortreding van die bepalings van hierdie verordening of van die eienaar van die eiendom waarop die oortreding begaan is.

**11. Misdrywe en strawwe**

- (1) Enige persoon wat—
- enige bepaling van hierdie verordening oortree;
  - versuim om te voldoen aan die voorwaardes van enige kennisgewing uitgereik ingevolge hierdie verordening;
  - 'n raadslid of 'n werknemer of 'n kontrakteur van die Raad in die uitoefening van enige bevoegdheids of uitvoering van enige pligte of funksie ingevolge hierdie verordening dreig, verset teen, hinder of dwarsboom of vuil of skeltaal of beledigende taal gebruik teen of met hulle gebruik, of hom of haar valslik as 'n raadslid of werknemer of kontrakteur van die Raad voordoen,
- is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete.

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**ISIXEKO SASEKAPA****UMTHETHO KAMASIPALA OPATHELELE KULAWULO LWAMANZI ESITSHI**

(Owamkelwa liBhunga ngomhla wama-30 Agasti 2005—C35/08/05)

*Ukubonelela ngomthetho olawula amanzi esitshi kummandla weSixeko saseKapa, nokulawula imisebenzi enokuba nempembelelo eyonakalisayo kuphuhliso, ekusebenzeni okanye kulondolozo lwemijelo yamanzi esitshi.*

**1. Iinkcazelo**

Kulo mthetho kamasipala, ngaphandle kokuba ayingqinelani nomxholo:—

**“IBhunga”** kubhekiselelwe kwibhunga lomasipala weSixeko saseKapa, okanye nawuphi na umbutho wezopolitiko, igosa le-ofisi yezopolitiko, ikomiti, uceba, okanye igosa leBhunga, eligunyaziselwe ukusebenzisa ulawulo okanye ukwenza imisebenzi ngokwemigaqo yalo mthetho kamasipala;

**“ithafa elinamanzi”** kubhekiselelwe kumhlaba owayame emlanjeni nothi, ngokwembono yeBhunga, uvumele ukuzaliswa ngamanzi eempuphuma kwisithuba esifikelela kwiminyaka elikhulu ilandelelana;

**“umjelo wamanzi esitshi wabucala”** kubhekiselelwe kumjelo wamanzi esitshi olawulwa, osetyenziswa okanye olondolozwa ngumntu ozimeleyo ingelilo iBhunga;

**“amanzi esitshi”** kubhekiselelwe kumanzi athi ngenxa yokuwa kwemvula ngokwendalo kunye/okanye ngenxa yokonyuka kwamanzi yaye oku kuquka namanzi aphantsi komhlaba namanzi atsaza kumaqula naveliswa ngumjelo wamanzi esitshi, ngokunjalo namanzi olwandle akumachweba emilambo, kodwa akuquka amanzi akwimijelo yamanzi aselwayo okanye kwimijelo eyahlulelwe amanzi amdaka;

**“umjelo wamanzi esitshi”** kubhekiselelwe kumijelo eyokhiweyo naleyo yendalo, kuquka imibhobho, imijelo enqumla phantsi kweendlela, imilanjana namathafa anamanzi akufuphi nawo, nokuba akumhlaba ophantsi kolawulo loluntu okanye kulawulo lwabucala, osetyenziselwa okanye oyimfuneko ukuze kulawulwe, kuqokelelwe, kujanjiswe, kugcinwe okwethutyana, kulawulwe, kukhangelwe, kucocwe, kusetyenziswe kunye nokulahlwa kwamanzi esitshi;

**“isehlo sokungcoliseka kwamanzi”** kubhekiselelwe kwisihlo okanye kwimeko enempembelelo eyonakalisayo kumgangatho wamanzi akwimijelo yamanzi esitshi kangokokuba impilo yoluntu okanye impilo yezinto eziphilileyo nendawo eziphila kuyo ngokwendalo zibe sengozini, yaye

**“indawo enamanzi”** kubhekiselelwe:—

(a) Kumlambo, kwiqula, umsinga, umjelokazi nalapho amanzi ahamba rhoqo okanye ngokweziqabu, kunye

(b) Umgxobhozo, indawo emanzi, idama okanye ichibi apho kuhamba khona amanzi,

yaye kuquka, xa kufanelekile, iintsele neendonga zeendawo ezinamanzi/ zemilambo.

**2. Ukusetyenziswa**

(1) Lo mthetho kamasipala ubophelela nawuphi na umbutho karhulumente.

(2) Naluphi na ubonelelo komnye umthetho kamasipala ojongene ngokukodwa namanzi esitshi, uxhomekeke kwimiqathango yalo mthetho kamasipala.

**3. Iimvume ezithintelweyo**

Akukho mntu uvumelekileyo, ngaphandle kokuba unemvume ebhaliweyo yeBhunga nangokuxhomekeke kwimiqathango emiselwe lilo, unemvume yokungena okanye yokufaka nantoni na ngaphandle kwamanzi esitshi kumjelo wamanzi esitshi.

**4. Ukhuseleko lwemijelo yamanzi esitshi**

Akukho mntu, ngaphandle kokuba unemvume ebhaliweyo yeBhunga nangokuxhomekeke kwimiqathango emiselwe lilo—

(a) unokonakalisa, abeke engozini, atshabalalise okanye enze nasiphi na isenzo esinokonakalisa, esinokubeka engozini okanye esinokutshabalalisa, umjelo wamanzi esitshi okanye isimo sokusebenza kwawo;

(b) unokukhulula kuyo nayiphi na indawo, okanye abeke nakuwuphi na umgangatho, nantoni na ngaphandle kwamanzi esitshi, nalapho kulindelekileyo ukuba lo nto inokuqengqelekela kumjelo wamanzi esitshi;

- (c) unokukhulula, avumele ukungena okanye ukubeka nantoni na enokonakalisa umjelo wamanzi esitshi okanye iphazamise ukusebenza kwawo okanye idyobhe okanye ingcolise amanzi kuyo;
- (d) unokwakha okanye amise nasiphi na isakheko okanye nantoni na ngaphezu komjelo okanye ngendlela enokuphazamisa okanye enokubeka engozini umjelo wamanzi esitshi okanye imeko yokusebenza kwawo emva koko; okanye
- (e) unokuvula intunja kumbhobho wamanzi esitshi, kumjelo okanye kumjelo onqumla phantsi kweendlela; okanye
- (f) unokufunxa, ukukhupha okanye ukujika indlela yawo nawaphi na amanzi ukusuka ngqo kumjelo wamanzi esitshi; okanye
- (g) unokuzalisa, ukugromba, ukwenza milo yimbi, ukwenza imbonakalo-mhlaba, ukuvula okanye ukususa umhlaba ongaphezulu, omelene, ongaphantsi okanye okufuphi kanye nayo nayiphi na inxalenye yomjelo wamanzi esitshi.

#### 5. Ukuthintelwa kwengozi yeempuphuma

Akukho mntu, ngaphandle kokuba unemvume ebhaliweyo yeBhunga nangokuxhomekeke kwimiqathango enokumiselwa lilo—

- (a) unokuthintela okanye unokunciphisa umthamo womjelo wamanzi esitshi;
- (b) unokutshintsha imilo okanye ukusetyenziswa, okanye unokulungisa nayiphi na inkangeleko yomjelo wamanzi esitshi, nenokuthi iyodwa okanye idibene neminye imisebenzi yomhlaba ekhoyo, ibangele ukwanda kwamaqondo eempuphuma okanye enokubangela ingozi yeempuphuma; okanye
- (c) unokwenza nawuphi na umsebenzi, onokuthi uwodwa okanye udibene neminye wandise amaqondo eempuphuma okanye udale ingozi yeempuphuma.

#### 6. Imisebenzi yophando nohlolo

- (1) Imiqathango enokumiselwa liBhunga ngokwemigaqo yeCandelo 3, 4, neCandelo le-5, inokuquka, kodwa ingalinganiselwanga kule—
  - (a) ukumiselwa kwemida/kwemilinganiselo yamanzi;
  - (b) ukwenziwa kohlolo lwempembelelo, kunye
  - (c) nophando lwempembelelo kokusingqongileyo okanye uphando olunokuba yimfuneko ngenxa yomthetho wokusingqongileyo osebenzayo.
- (2) Iindleko zalo naluphi na uphando olwenziweyo ngokwemigaqo yemiqathango yecandelwana (1), ziza kuhlululwa ngumfaki-sicelo.

#### 7. Izehlo zokungcoliseka kwamanzi

Kwimeko yeshlo esichazwe kwiCandelo 3 okanye kwiCandelo 4(b) no-(c)—

- (a) umnini wepropati apho eso sehlo senzeke khona, okanye esisenzekayo, okanye
- (b) umntu obangele ukwenzeka kweso sehlo, ukuba eso sehlo asibangelwanga ziimeko zendalo,

kuyimfuneko ukuba axele kwangoko eso sehlo kwiBhunga, ngezakhe iindleko, athabathe onke amanyathelo afanelekileyo nathi, ngokoluvo lweBhunga, abe aza kubandakanya aze anciphise iziphumo zongcoliseko, ngokwenza amanyathelo okucoca, kuqukwa nokubuyiselwa kwimeko yesiqhelo kwendawo esingqongileyo, njengoko kuyimfuneko ngokomthetho weBhunga.

#### 8. Imijelo yamanzi esitshi kumhlaba wabucala

- (1) Umnini wepropati ngamnye apho kumiswe khona imijelo yamanzi esitshi—
  - (a) akavumelekanga ukuba enze nawuphi na umsebenzi, ngokoluvo lweBhunga, ekuza kulindeleka ukuba wonakalise indlela efanelekileyo yokusebenza komjelo wamanzi esitshi, yaye
  - (b) ngezakhe iindleko, uza kugcina lo mijelo yamanzi esitshi isebenza ngokukuko, kuqukwa nokwenza umsebenzi wokuhlaziya nokwakha ngokutsha lo mijelo, ukuba ngokoluvo lweBhunga, kuyimfuneko ukuba yakhiwe ngokutsha okanye ihlaziye.
- (2) Izibonelelo zecandelwana (1) azibhekiselelanga kuluvo lokuba iBhunga lamkele uxanduva layo nayiphi na imisebenzi ebandakanywe kulo, nokuba kukwisivumelwano solondolozo olumiselekileyo okanye ngokwemigaqo yomqathango yokunikezelwa kwepropati.

#### 9. Ubonelelo ngezixhobo zokusebenza

- (1) IBhunga linakho—
  - (a) ukwakha, ukongeza, ukulungisa, ukulondolozisa okanye ukufakela imibhobho yemisele, iimpompo okanye ezinye izakheko ezininto yokwenza nomjelo wamanzi esitshi phezu okanye ngaphantsi kwayo nayiphi na ipropati engenakususwa, yaye ulawulo lwale mibhobho, lwezi mpompo okanye lwezi zakheko kuphantsi kwegunya likamasipala;
  - (b) amanzi esitshi kwimisele okanye amanzi aphuma kuyo nayiphi imisebenzi yeenkonzo zikamasipala ukuya kuyo nayiphi na indawo enamanzi ngokwendalo/umlambo, kunye
  - (c) ukwenza nayiphi na enye into eyimfuneko okanye enqwenelekayo ngokweshlo, eyongeza okanye encedisa nawuphi na umbandela ochazwe kwicandelwana (a).



- (2) Kwimeko apho iBhunga lisebenzisa amagunya alo ngokwemigaqo yecandelwana (1)(a) ngokuphathelele kwipropati engenakususwa engekho phantsi kolawulo lukamasipala, umnini-propati kuyimfuneko ukuba athobele imiqathango yoMthetho kaMasipala oPhathelele kuLawulo lwePropati ezingenakususwa kwiSixeko saseKapa.

## 10. Amagunya eBhunga

- (1) IBhunga linakho-
- (a) ukuchitha, ukulungisa okanye ukwenza ngolunye uhlobo nasiphi na isakhiwo, isakheko okanye nantoni eyokhiweyo, emisiweyo okanye eyenziwe ngokuchasene nemiqathango yalo mthetho kamasipala;
  - (b) ukuzalisa, ukususa nokubuyisela kwimeko entle nawuphi na umhlaba ogrunjiweyo, osusiweyo okanye obekwe ngokuchasene nemiqathango yalo mthetho kamasipala;
  - (c) ukulungisa nokwenza ibe nenkangeleko entle nawuphi na umonakalo owenziwe ngokuchasene nezibonelelo zalo mthetho kamasipala okanye umonakalo obangelwe kukuchasa le miqathango;
  - (d) ukususa nantoni na ekhululweyo, evunyelwe ukungena kumjelo wamanzi esitshi okanye kwindawo enamanzi ngokwendalo/umlambo ngokuchasene nezibonelelo zalo mthetho kamasipala;
  - (e) ukususa nantoni na eyonakalisa, enqanda okanye ebeka engozini okanye enokunqanda, enokubeka engozini okanye enokutshabalalisa nayiphi na inxalenye yomjelo wamanzi esitshi;
  - (f) ukutywina okanye ukuvingca nayiphi na indawo yokuphuma kuwo nawuphi na amasango ukuba lo ndawo yokuphuma ichasene nezibonelelo zalo mthetho kamasipala, nokuba lo ndawo isetyenziselwa iinjongo ezisemthethweni kusini na;
  - (g) ukunqumamisa nayiphi na imvume enikiweyo ngokwemigaqo yalo mthetho kamasipala ukuba imiqathango ekwanikwa imvume phantsi kwayo ayithotyelwa;
  - (h) ngesaziso esibhaliweyo, iBhunga linakho ukuyalela nawuphi na umnini-propati ukuba avumele umnini wewepropati emi ngasentla kweyakhe ukuba afakele umbhobho ofunxa amanzi esitshi okanye igatha okanye enze umjelo kwipropati yakhe ukuze kufunxwe amanzi esitshi azalise lo ndawo;
  - (i) ngesaziso esibhaliweyo, iBhunga linakho ukuyalela nawuphi na umnini-propati ukuba agcine amanzi esitshi kulo propati okanye, ngeendleko zalo mnini-propati, afakele umbhobho ofunxa amanzi esitshi okanye igatha okanye enze umjelo kwindawo efanelekileyo neyalathwe liBhunga, nokuba indlela yalo mbhobho okanye yalo mjelo/igatha iza kuhamba phezu kwepropati yabucala okanye akuzi kuba njalo, yaye
  - (j) linakho ukukhuphela amanzi esitshi aye nakuyiphi na indawo enamanzi/kumlambo, nokuba ukumhlaba wabucala okanye akunjalo.
- (2) IBhunga, nangayiphi na indlela xa kubonakala ukuba isenzo okanye ukungakhathali kwako nawuphi na umntu okanye komnini-propati kunokusingisela ekuchasweni kwezibonelelo zalo mthetho kamasipala, linakho ukukhupha isaziso ngembalelwano esiya kulo mntu okanye kumnini-propati lowo esaziswa ukuba athobele iimfuno zalo mthetho kamasipala njengoko iBhunga linokubona kuyimfuneko ukuthintela ukuqhubeka kwale nkcaso yomthetho.
- (3) IBhunga linakho ukufumana kwakhona intlawulo yazo zonke iindleko ezenziweyo ngenxa yamanyathelo eliwathabathileyo ngokwemigaqo yecandelwana (1) kumntu obenoxanduva lokuchasa izibonelelo zalo mthetho kamasipala okanye kumnini-propati ekwenzeke kuyo isenzo senkcaso yomthetho.

## 11. Amatyala nezohlwayo

- (1) Nawuphi na umntu—
- (a) ochasa nawuphi na umqathango walo mthetho kamasipala;
  - (b) ongaphumeleliyo ukuthobela imigaqo yaso nasiphi na isaziso esikhutshwe ngokwemigaqo yalo mthetho kamasipala;
  - (c) owenza intsongelo, oxhathisa, othintela okanye onqanda okanye osebenzisa ulwimi olungcolileyo, olunukunezayo okanye oluthukayo olusingiswe kuceba okanye kumsebenzi okanye kunokontra ka weBhunga xa esenza ngokusemthethweni okanye enza nayiphi na imisebenzi ngokwemigaqo yalo mthetho kamasipala, okanye ozibiza ngokungeyonyaniso ngokuba unguceba okanye umsebenzi okanye unokontra ka weBhunga,

uya kuba netyala lolwaphulo-mthetho yaye uya kujongana, ngokwesigwebo, nentlawulo yesohlwayo.