



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 25

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17 AUGUST 2018
17 AUGUSTUS 2018

No. 2957

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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ISSN 1682-4518



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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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Closing times for **ORDINARY WEEKLY** 2018 MPUMALANGA PROVINCIAL GAZETTE

The closing time is 15:00 sharp on the following days:

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
- **23 February**, Friday for the issue of Friday **02 March 2018**
- **02 March**, Friday for the issue of Friday **09 March 2018**
- **09 March**, Friday for the issue of Friday **16 March 2018**
- **15 March**, Thursday for the issue of Friday **23 March 2018**
- **23 March**, Friday for the issue of Friday **30 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
- **06 April**, Friday for the issue of Friday **13 April 2018**
- **13 April**, Friday for the issue of Friday **20 April 2018**
- **20 April**, Friday for the issue of Friday **27 April 2018**
- **25 April**, Wednesday for the issue of Friday **04 May 2018**
- **04 May**, Friday for the issue of Friday **11 May 2018**
- **11 May**, Friday for the issue of Friday **18 May 2018**
- **18 May**, Friday for the issue of Friday **25 May 2018**
- **25 May**, Friday for the issue of Friday **01 June 2018**
- **01 June**, Friday for the issue of Friday **08 June 2018**
- **08 June**, Friday for the issue of Friday **15 June 2018**
- **15 June**, Thursday for the issue of Friday **22 June 2018**
- **22 June**, Friday for the issue of Friday **29 June 2018**
- **29 June**, Friday for the issue of Friday **06 July 2018**
- **06 July**, Friday for the issue of Friday **13 July 2018**
- **13 July**, Friday for the issue of Friday **20 July 2018**
- **20 July**, Friday for the issue of Friday **27 July 2018**
- **27 July**, Friday for the issue of Friday **03 August 2018**
- **02 August**, Thursday, for the issue of Friday **10 August 2018**
- **10 August**, Friday for the issue of Friday **17 August 2018**
- **17 August**, Friday for the issue of Friday **24 August 2018**
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- **07 September**, Friday for the issue of Friday **14 September 2018**
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- **12 October**, Friday for the issue of Friday **19 October 2018**
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- **02 November**, Friday for the issue of Friday **09 November 2018**
- **09 November**, Friday for the issue of Friday **16 November 2018**
- **16 November**, Friday for the issue of Friday **23 November 2018**
- **23 November**, Friday for the issue of Friday **30 November 2018**
- **30 November**, Friday for the issue of Friday **07 December 2018**
- **07 December**, Friday for the issue of Friday **14 December 2018**
- **13 December**, Thursday, for the issue of Friday **21 December 2018**
- **19 December**, Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [_____](#)

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website _____.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [free of charge](#), should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 60 OF 2018**STEVE TSHWETE AMENDMENT SCHEME 755, ANNEXURE NUMBER A633
NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN
TERMS OF SECTION 62(1), AND 94(1)(A) & (2)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE
MANAGEMENT BYLAW, 2016**

I, Johannes Petrus Coetzee (ID 750723 5047 088) of Urban Dynamics Mpumalanga (PTY) LTD being the authorised agent of the registered owner of the Remainder of Erf 337, Middelburg hereby give notice in terms of section 94(1)(a) & (2)(a) Chapter 6 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that we have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned properties situated at number 32 Walter Sisulu Street by rezoning the properties from "Business 4" to "Business 4" with increased development rights, subject to certain conditions as contained in the Annexure. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **10 August 2018** with the last date of comments being **9 September 2018** (30 days after first date of application) in the manner as described in Section 99 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016. Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **10 August 2018**. Inquiries can be addressed to Mr Meshack Mahamba, Head of Town Planning and Human Settlements at telephone number 013 – 249 7000. Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Town Planning and Human Settlement during office hours and assistance will be given to transcribe that person's objections or comments.

Address of the Applicant: 7 Dolerite Crescent, Aerorand, 1070, Postal address P.O. Box 11677, Aerorand, Middelburg, 1070, Telephone no. 013 244 1598, Fax no: 013 244 1560, email: mail@urbanmbg.co.za.

10-17

KENNISGEWING 60 VAN 2018**STEVE TSHWETE WYSIGINGSKEMA 755, BYLAAG A633
KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA
2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) & 2(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN
GRONDGEBRUIKSBESTUUR BYWET, 2016**

Ek, Johannes Petrus Coetzee (ID 750723 5047 088) van Urban Dynamics Mpumalanga (PTY) LTD, synde die gemagtigde agent van die geregistreerde eienaar van die Restant van Erf 337, Middelburg, gee hiermee ingevolge artikel 94(1)(a) & (2)(a) Hoofstuk 6 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikskema, 2016 kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Steve Tshwete Dorpsbeplanning, 2004, deur die hersonering van bogenoemde eiendom geleë te Walter Sisulustraat 32 vanaf "Besigheid 4" na "Besigheid 4" met uitgebreide ontwikkelingsregte onderworpe aan sekere voorwaardes soos uiteengesit in die bylaag. Geskrewe kommentaar of besware ten opsigte van die aansoek en die gronde van die besware of verhoë met volledige kontakbesonderhede moet skriftelik ingedien word by die Munisipale Bestuurder, Posbus 14, Middelburg, 1050 binne 30 dae vanaf **10 Augustus 2018**, waar die laaste dag van kommentare **9 September 2018** is (30 dae na eerste datum van publikasie) soos uiteengesit in Artikel 99 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikskema, 2016. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale Gebou, Hoek van Wandererslaan, Middelburg, 1050, Tel: 013 249 7000, vir 'n tydperk van 30 dae vanaf **10 Augustus 2018**. Navrae kan gerig word aan Mnr Meshack Mahamba, Hoof van Stadsbeplanning en Menslike Nedersettings by telefoonnommer 013 – 249 7000. Enige persoon wat nie kan lees of skryf nie mag enige personeellid van die kantoor van die Senior Bestuurder: Stadsbeplanning en Menslike Nedersettings gedurende kantoor ure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

Adres van Applicant: 7 Doleriet Singel, Aerorand, 1070, Posbus 11677, Aerorand, Middelburg, 1070, Tel: 013-244 1598, Faks: 013 244 1560, email: mail@urbanmbg.co.za

10-17

NOTICE 64 OF 2018

DR. J S MOROKA LOCAL MUNICIPALITY



CREDIT CONTROL BY-LAW

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996 that Dr JS Moroka Local Municipality has resolved to adopt the following Credit Control By-Laws with effect from the date of publication.

THE PURPOSE OF THE BY LAW IS TO REGULATE CUSTOMER CARE MANAGEMENT, CREDIT CONTROL AND DEBT COLLECTION IN DR JS MOROKA LOCAL MUNICIPALITY AREA

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1. DEFINITIONS

For the purpose of this Policy, the following words or expressions as used in this policy shall have the following meaning:

“account” means a notification by means of a statement of account to a person liable for payment of any amount for which he or she is liable to pay the municipality in respect of municipal services provided or property rates.

“arrangement” means a written agreement entered into between the Council and a debtor where specific repayment parameters are agreed to.

“approved” means approved by the municipality in writing and signed by an authorized official.

“arrears” means any amount due, owing and payable in respect of municipal services not paid by due date.

“authorized official or agent” means any official or agent of the municipality who has been authorized by the municipal council to administer, implement or enforce the provisions of these by-laws or to grant any approval in terms of these bylaws. “billing date” means the date upon which the monthly statement is generated and debited to the customers’ account.

“business premises” means premises utilized for purposes other than residential and excludes the following:

- (a) hospitals, clinics and institutions for mentally ill persons which are not operated for gain;
- (b) museums, art galleries, libraries and botanical gardens which are registered in the names of private persons and are open to the public, whether admission fees are charged or not;
- (c) sports ground used for the purpose of amateur sports and any social activities which are connected with such sports;
- (d) any property registered in the name of an institution or organization which, in the opinion of the Council, performs charitable work; and/or
- (e) any property utilized for bona fide church or religious purposes.
- (f) “chief financial officer” means the official accountable and responsible to the municipal manager for the implementation, enforcement and administration of the customer care management and debt collection policies in this policy.

“credit control” means all the functions relating to the collection of monies owed by ratepayers and user is of municipal services.

“Council” means the Municipal Council of Dr JS Moroka Local Municipality or any duly authorized committee, political office bearer or official of the said Council.

“customer” means any person liable to the municipality for property tax or any other charges. “Defaulter” means any customer in arrears.

“domestic consumer” means a customer who uses municipal services primarily for domestic purposes.

“due date” means the date on which an amount payable in respect of an account becomes due, owing and payable by the customer, which date shall not be less than fourteen (14) calendar days from the date of the account.

“estimated consumption” means the consumption that a customer, whose consumption cannot be read or accurately measured during a specific period is deemed to have consumed during a specific period, based on an estimate by the municipality on rational grounds such as the average consumption of municipal services by a customer during a three (3) or twelve (12) month period during a prior or later period or the same period the previous year if info available.

“household” means a family unit that is determined by the municipality to be a household.

“immovable property” includes:

(a) an undivided share in immovable property; and

(b) any right in immovable property. “indigent debtor” means:

(c) the head of an indigent household:

(i) who applied for and has been declared indigent in terms of the by-law for the provision of services from the municipality; and

(ii) who makes application for indigent support in terms of these by-laws on behalf of all members or his or her household.

(d) orphaned minor children duly represented by their legal and/ or de facto guardians.

“indigent support programme” means a structured programme for the provision of indigent support subsidies to qualifying indigent debtors in terms of the Council’s indigent support policy.

“indigent support policy” means the indigent support policy adopted by the Council of the municipality.

“interest” means a charge levied on all arrear monies and calculated at a rate determined by Council from time to time.

“month” means a calendar month.

“meter” means any water meter, electricity meter or device that enables the quantity of services provided to be measured and includes a prepayment meter.

“municipal pay point” means any municipal office in the area of jurisdiction of the municipality.

“municipal services” means services provided either by the municipality, or by an external agent on behalf of the municipality in terms of a service delivery agreement, and shall include charges in respect of water and electricity consumption.

“municipality” means the Dr JS Moroka Local Municipality

“municipal manager” means the municipal manager of the Dr JS Moroka Local Municipality or his or her nominee acting in terms of power delegated to him or her by the said municipal manager with the concurrence of the Council.

“occupier” means the person who controls and resides on or controls and otherwise uses immovable property; provided that –

- (a) the husband or wife of the owner of immovable property which is at any time used by such owner and husband or wife as a dwelling, shall be deemed to be the occupier thereof; and
- (b) where a husband and wife both reside on immovable property and one of them is an occupier thereof; the other shall also be deemed to be an occupier thereof.

“owner” means:

- (a) the person in whose name the ownership of the premises is registered or his agent;
- (b) the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

- (c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building situated on them;
- (d) where a lease has been entered into for a period of thirty (30) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee, indefinitely or for a period of periods which, together with the first period of lease, amounts to thirty six (36) years, the lessee or any other person to whom he has ceded his right, title and interest under the lease, or any gratuitous successor or the lessee;
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986 the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act 1986 the person in whose name such section is registered under a sectional title and includes the lawfully appointed agent of such a person; or
 - (iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority.
- (f) a lessee in the case of a property that is registered in the name of the municipality and is leased by it;
- (g) a buyer, in the case of a property that was sold by the municipality and of which possession was given to the buyer pending the registration of ownership in the name of the buyer.

“person” means natural and juristic persons, including any department of state, statutory bodies or foreign embassies.

“premises” means any piece of land, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of the Land Survey Act, Act 9 of 1927 or in terms of the Deed Registry Act, 47 of 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 95 of 1986; or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority.

“prescribed” means adopted by Council.

“prescribed form” means any form required by the chief financial officer from time to time.

“property” means –

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person.
- (b) a right registered against immovable property in favour of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in favour of a person in terms of any law; or
- (d) public service infrastructure.

“rates” means property tax levied on the valuation of a property. The rate is expressed as cents in the rand.

“registered owner” means that person, natural or juristic, in whose name the property is registered in terms of the Deeds Registry Act, 47 of 1937.

“responsible person” means any person other than the registered owner of an immovable property who is legally responsible for the payment of municipal service charges.

“revenue clearance certificate” means a certificate of the kind referred to in section 118(1) of the Act. “service charges” means the fees levied by the municipality in terms of its tariff policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this bylaw. “service delivery agreement” means an agreement between the municipality and an institution or persons mentioned in section 76(b) of the Local Government Municipal Systems Act, 32 of 2000.

“sundry debtor accounts” means accounts raised for miscellaneous charges for services provided by the municipality or charges that were raised against a person as a result of an action by a person and which were raised in terms of Council’s policies, by-laws and decisions.

“tariff” means any rate, tax, duty and levy or fee which may be imposed by the municipality for services provided either by itself or in terms of a service delivery agreement.

“tariff policy” means a tariff policy adopted by the Council in terms of section 74 of the Local Government Municipal Systems Act, 32 of 2000.

“user” means the owner or occupier of a property in respect of which municipal services are being rendered.

2. BACKGROUND

2.1 Legal Framework

- (1) This By – Law has been compiled in accordance with the Local Government: Municipal Systems Act (No. 44 of 2003). Where these By – Laws are contrary to other legislation, such legislation will override these By – Laws. It is the explicit responsibility of the Municipal Manager to bring such conflicts immediately to the attention of the Council once he/she becomes aware of such conflicts and to propose changes to these By – Laws to eliminate such conflicts.

2.2 Applicable Legislation, Regulations,

Policies and By – Laws

- (1) This By – Law is regulated by and informed by the following legislation, Regulations, policies and By – Laws:
 - (a) Section 229 (1) of the Constitution of the Republic of South Africa (Act 108 of 1996).
 - (b) The Local Government: Municipal Finance Management Act (No. 32 of 2000) as amended (“**the MFMA**”) and regulations thereto.
 - (c) The Local Government: Municipal Systems Management Act (No. 7 of 2011) (“**the MSMA**”) as amended and regulations thereto.
 - (d) The generally accepted accounting principles (GAAP) and standard accounting practices.
 - (e) The Municipality’s:

- (i) Budget Policy for the financial year 2017 – 2018 (“**Budget Policy**”);
- (ii) Cash Management and Investment Policy for the financial year 2017 – 2018 (“**Cash Management Policy**”);
- (iii) Credit Control and Debt Collection for the financial year 2017 – 2018 (“**the CCDC Policy**”);
- (iv) Free Basic Services and Indigent and Support Policy for the financial year 2017 – 2018 (“**FBSIS Policy**”);
- (v) Impairment of Debt and Write Off Policy for the financial year 2017 – 2018 (“**IDWO Policy**”);
- (vi) Tariff Policy for the financial year 2017 – 2018 (“**Tariff Policy**”);
- (vii) Tariff and Free Basic Services By – Law for the financial year 2017 – 2018 (“**Tariff By – Law**”);

(2) The above stated list is not exhaustive, nor exclusive, and this By – Law may be regulated and/or informed by further legislation, regulations and applicable law as the case may be.

2.3 Objectives of By – Law

(1) This By – Law shall:

- (a) ensure the collection of all monies that are due and payable to the Municipality;
- (b) provide for customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- (c) provide for indigents in accordance with Section 152 (1)(b) and Section 153 (b) of the Constitution; Section 74 (in particular, sub – section (2) thereto) of the Local Government: Municipal Systems Act (No. 44 of 2003) (hereinafter referred to as “the MSA”) and applicable regulations

thereto; National Policy regarding indigents and indigent households; and the FBSIS Policy;

- (d) provide for the extension of time for payment of accounts;
- (e) provide for the charging of interest and collection charges on arrears to the extent applicable and appropriate;
- (f) provide for the termination of services and/or the restriction thereof in such circumstances where payments on accounts are in arrears; and
- (g) provide for circumstances involving the unauthorized consumption of services, theft and damages.
- (h) shall also apply to any pre – paid services as provided by the Municipality.

2.4 Application of By - Law:

(1) This By – Law apply solely in respect of monies due and payable to the Municipality in respect of:

- (a) rates;
- (b) fees, surcharges on fees in respect of municipal services, including –
 - (i) the availability and provision of water;
 - (ii) refuse removal and disposal;
 - (iii) the availability and provision of sewage removal services;
 - (iv) the availability and provision of electricity;
- (c) interest which has or will become due and payable to the Municipality in regard to rates and municipal services; and
- (d) collection charges.

(2) These By – Laws also apply to any municipal service provided through prepaid meters, insofar as may be applicable to these By – Laws.

2.5 Provision of Services

- (1) The Municipal Council must give priority to the basic needs of the community, promote the social and economical development of the community and ensure that all residents and communities in the municipality have access to at least the minimum level of basic municipal services in terms of Section 152 (1) (b) and 153 (a) of the Constitution.
- (2) In terms of the Section 4 and 75 of the MSA the municipal services provided to residents and communities in the Municipality must:-
- (a) be within the municipality's financial and administrative capacity;
 - (b) be provided in a manner that –
 - (i) is fair and equitable to all its residents and communities;
 - (ii) ensures the highest quality service at the lowest cost and the most economical use and allocation of available resources; and - is financially and environmentally sustainable; and
 - (iii) regularly be reviewed with a view to upgrading, extension and improvement.
- (3) In pursuance of the provision of services by the Municipality, Sections 4 and 75 of the MSA further confirms the power and right of the Municipality to charge fees for services rendered and to impose surcharges on fees, rates on property and other taxes, levies and duties, the Municipality having to endeavour to the extent reasonably possible that the provision of such services are provided to and in consultation with the local community in an environmentally and financially sustainable manner in accordance with Sections 4(2)(d) and 4(2)(e) thereto.
- (4) Insofar as any distinction is made in the CCDC Policy and this By – Law with regards to various categories of users, debtors, service providers, services and service standards and geographical areas of the services supplied by the

Municipality in this By – Law; the latter’s Tariff Policy, Tariff By – Law; the FBSIS Policy and any other related and/or applicable Policies and By – Laws of the Municipality, this is actioned in accordance with the provisions of Section 74(2) of the MSA and such discrimination does not constitute unfair discrimination as defined in Section 9 Constitution of the Republic of South Africa (No. of 1996) and may accordingly not be used as a valid ground of objection by a debtor for the non – payment of services rendered to the former by the Municipality.

(5) According to the MSA the phrase “financial sustainable”, in relation to the Performance of a municipal service, means the performance of a municipal service in a matter that:-

(a) is likely to ensure that revenues from that service are sufficient to cover the cost of –

- (i) operating the service; and
- (ii) maintaining, repairing and replacing the physical assets used in the performance of the service;

(b) is likely to ensure –

- (i) a reasonable surplus in the case of a service performed by the Municipality itself;
- (ii) a reasonable profit, in the case of a service performed by a service provider, other than the Municipality itself;

(c) is likely to enable the Municipality or other service provider to obtain sufficient capital requirements for the performance of the service; and

(d) takes account of the current and anticipated future –

- (i) level and quality of that service;
- (ii) demand for the service; and
- (iii) ability and willingness of residents to pay for the service.

2.6 Credit Control and Debt Collection

- (1) The Municipal Council must ensure that all money that is due and payable to the Municipality is collected, subject to the provisions of the MSA, particularly in terms of Chapter 9 (Sections 94 – 104).
- (2) For this purpose the Municipality's CCBC Policy adopted by Council shall apply directly in conjunction with its Tariff Policy, Tariff By – Law and in accordance with the provisions of the MSA.
- (3) As stipulated in Section 2.4 (4) above, the credit control and debt collection policy and this By – Law may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation is fair.
- (4) Insofar as the execution of the credit control and debt collection systems adopted by the Municipality are concerned, all municipal officials shall execute their duties in relation to all debtors and the public in terms of the principles of Batho Pele and shall execute their duties honestly and transparently, whilst attending to all information furnished to them and in their possession in accordance with the provisions of The Promotion of Access to Information Act (No. 2 of 2000).
- (5) The Council must adopt By-Laws to give effect to its credit control and debt collection policy, its implementation and enforcement.

3. RESPONSIBILITY FOR CREDIT CONTROL

3.1 Supervisory Authority

(1) In terms of the Section 99 of the MSA the Municipality's Executive Committee Or Executive Mayor (to the extent that the Municipality does not have an Executive Committee) or the Council (to the extent that there the Municipality does not have an Executive Committee or Executive Mayor) or an appointed Committee appointed by it must:-

(a) Oversee and monitor-

(i) the implementation and enforcement of the Municipality's credit control and debt collection policy and any by-laws enacted in terms of Section 98 of the MSA; and

(ii) the performance of the Municipal Manager in implementing the policy and any by- laws.

(3) When necessary evaluate, review or adapt the policy and any by-laws, or the implementation of the policy and any such by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures.

(4) Report to every scheduled meeting of the Council.

3.2 Implementing Authority

(1) In terms of Section 100 of the MSA the Municipal Manager, and/ or service Provider contracted to the Municipality and tasked with the collection and recovery of debt from debtors must:-

- (a) Implement and enforce the Municipality's credit control and debt collection policy and any by-laws enacted in terms of the Municipal Systems Act;
- (b) In accordance with the credit control and debt collection policy and any such by-laws establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the Municipality; and
- (c) Report the prescribed particulars monthly to a meeting of the supervising authority.

3.3 Unsatisfactory Levels of Indebtedness

The responsibility of Councillors is also determined in the MSA as set out below.

- (1) If the level of indebtedness in a particular ward or part of the Municipality exceeds the level of the acceptable norm as determined in the Municipality's budget guidelines, the supervisory authority (Executive Mayor) must, without delay, advise the Councillor for that ward or part.
- (2) The Councillor concerned:-
 - (a) Must without delay convene a meeting of the ward committee, if there is one, or convene a public meeting and report the matter to the committee or meeting for discussion regarding payment of services.
 - (b) May make any appropriate recommendations to the supervisory authority.
 - (c) Ward councillor must visit a person owing the Municipality to advise and encourage them regarding payment of services and give feedback to the Executive Mayor.

4. FINANCIAL MATTERS

4.1 Customer Registration

- (1) Before supplying of a service by the Municipality, either directly or by way of its employees and/or service providers, a customer shall:
- (a) enter into service or consumer agreement with the Municipality for the applicable services, which said agreement must be fully completed and signed by both parties; and
 - (b) shall provide and make payment of a deposit as prescribed in the Municipality's Tariff Policy, to be paid as security.
 - (c) Shall include certified copies of the following documentation with their application:
 - (i) the customer's identity document; and/or
 - (ii) close corporation/company registration documentation and resolutions and identity documents and proof of physical address of all members/directors.
- (3) The owner must, if also the occupier of the property or premises, enter into a Service/ consumer Agreement with the Council.
- (a) The owner must inform the Council of the vacation of the property or premises by an occupier on or before the date of vacation or as soon thereafter as the owner may become aware of such vacation, by submitting to the Council a Notice of Vacation of Occupation.
 - (b) The owner must inform the Council of any new occupier on or before the date of such new occupation or as soon thereafter as the owner becomes aware

thereof that a person has taken occupation of the property or premises by submitting to the Council a Notice of New Occupier.

- (c) An occupier must on or before the date of occupation, enter into the Service Agreement with the Council, unless the owner will remain liable for the payment of the portion of the municipal account in par 4.5.3 (b) below (consumption charges), in terms of the Notice of New Occupier.
 - (d) Should the owner fail to submit a Notice of Vacation of Occupation in terms of par 4.1.3 above or a Notice of New Occupier in terms of par 4.1.4 above, the owner will be liable for the payment of the portion of the municipal account in par 4.2.2 below.
 - (e) Should the owner or occupier be represented by an agent or other representative, such agent or representative must submit a power of attorney authorising such agency or representation in a form and contents to the satisfaction of the Chief Financial Officer.
- (4) The customer and/or owner bears the onus to inform the Municipality within 30 days of incident, alternatively, within a reasonable time, as to any changes in the former's details for purposes of updating the Municipality's records pertaining to the customer.
- (5) Insofar as it is discovered and/or determined that the customer has a pre – existing account with the Municipality which remains unpaid either wholly or in part, no new account may be opened until such stage that the unpaid amount owing to the Municipality is paid in full.
- (6) Notwithstanding sub – section (4) above, the Municipality and/or its officials vested with the requisite authority to do so may, open said account in the event that the unpaid amounts referred to above written off in their entirety in accordance with the IDWO Policy and no outstanding balance in respect of said customer remains.

4.2 Liability for Payment

- (1) The owner will, subject to sub – section (2) below, be liable for payment of the municipal account mentioned in sub – section (5) below, to the Council.
- (2) The occupier, if a person other than the owner, will be liable for payment of the amounts in par 4.5 below (i.e. consumption charges, arrears, interest on arrears and deposits), excluding the amounts in par 4.5.3 (a) below (i.e. basic charges,

refuse, sewer and property rates), unless the owner indicates otherwise on the Notice of New Occupier.

- (3) The occupier will remain liable for payment in terms of sub - section (2) above, up to and including the date which the occupier terminates the Service Agreement as indicate in the Notice of Termination of Services, whether the occupier was in actual occupation of the property or premises during the currency of the Service Agreement or otherwise.
- (4) An occupier, who fails to enter into the Service Agreement, will despite such failure, be liable for the payment of the account in sub – section (2) above.
- (5) Nothing the foregoing the owner shall remain jointly and severally liable and shall be a co – principal debtor in respect of any and all amounts owing to the Municipality in terms of the applicable legislation.
- (6) The Municipality further reserves the right in terms of Section 102 of the MSA to:
 - (a) consolidate separate municipal accounts, or portions thereof, of persons liable for payment to the Council;
 - (b) credit a payment made by a customer against any account of that person; and
 - (c) implement any of the debt collection and credit control measures provided for in Chapter 9 of the MSA in relation to any arrears on any of the accounts of a customer.
- (7) An increase in any consumer deposit in terms of this By – Law; the Tariff Policy and Tariff By – Law and any further applicable law, becomes payable within twenty one (21) days from the date on which the customer is notified thereof or should the customer appeal against such increase, then within twenty one (21) days from the date on which the customer is informed of the decision of the Municipal Manager, if the appeal is not upheld.
- (8) All appeals in terms of this By – Law shall be regulated in accordance with Section 62 of the MSA and as covered by this By - Law

4.3 Juristic Person

(1) Should the occupier be a juristic person, the following will apply:-

- (a) If the occupier is a Company registered in term of the Companies Act, 1973, Act no 61 of 1973, the Directors of such Company shall be jointly and severally liable for payment in terms of the Service Agreement, if the Company fails to make such payment.
- (b) If the occupier is a Closed Corporation registered in terms of the Closed Corporations Act, 1984, Act no 69 of 1984, the Members shall be jointly and severally liable for payment in terms of the Service Agreement, if the Closed Corporation fails to make such payment.
- (c) If the occupier is an Association with legal persona, the Members of the Association shall be jointly and severally liable for payment in terms of the Service Agreement, if the Association fails to make such payment.

(2) Any Service Agreement signed by a person on behalf of a legal person in terms of this By - Law must be accompanied by a resolution authorising such person to sign on behalf of the legal person.

4.4 Control over Deposits of Security

- (1) All tenants must pay deposits as per the Tariff By – Law, read together with this By - Law.
- (2) The deposit to be paid must be an amount not less than a sum equal to one month's service levies or a minimum amount determined by Council from time to time.
- (3) The Chief Financial Officer and/or an employee of the Municipality vested with such delegated authority, may before entering into a Service Agreement with a customer, or at any time thereafter, if deemed necessary, make such credit rating enquiries with other municipalities and/ or a credit bureau.
- (4) Should the Chief Financial Officer and of employee of the Municipality vested with such delegated authority determine that the customer poses a payment risk to the Council, the Chief Financial Officer may determine a consumer deposit reflecting such payment risk.

- (5) Should the customer wish to appeal against a decision of the Chief Financial Officer in terms of sub -section (4) above, the customer may submit an appeal and reasons in writing to the Municipal Manager in accordance with this By - Law, within twenty one (21) days from the date on which the customer is notified of the determination of the Chief Financial Officer.
- (6) The Municipal Manager must consider the appeal within six weeks from the date of the appeal and must notify the customer of his/ her decision within a reasonable time thereafter.
- (7) After the disconnection of services by the Municipality, an increased deposit of a sum equal to two month's service levies may automatically be required in addition to a reconnection fee.
- (8) Where the services are not readily available and the Municipality must incur additional costs to provide such services, the Municipality may require bank guarantees for the provision of municipal services.
- (9) Deposits received must be reviewed annually and a register should be maintained. The total sum of deposits received shall constitute a short-term liability in the books of the Municipality. No interest shall accrue in favour of the depositors thereof upon termination of the debtor's agreement with the Municipality. The deposit will first be offset against any outstanding balance (if any) and then be refunded without interest to the customer.

4.5 Rendering of Accounts

- (1) Although the Municipality must render an account for the amount due by a debtor, failure thereof shall not relieve a debtor of the obligation to pay the amount.
- (2) Accounts to ratepayers and users of municipal services must contain at least the following particulars:-
 - (a) The name of the Municipality.
 - (b) The address with the contacts of the Municipality.
 - (c) The name of the ratepayer/ user of the service.
 - (d) The service levies or rates in question.

- (e) The period allowed for the payment of services and rates.
- (f) The land and address in respect of which the payment is required.
- (g) Any discount for early or prompt payment (if applicable).
- (h) Notification for legal action (if applicable)

(3) The Municipal Account shall reflect amounts due for the following:-

- (a) Basic Water Levy or Availability Charge.
- (b) Site Rental (if applicable).
- (c) Refuse Removal.
- (d) Sewerage Service or Availability Charge.
- (e) Property Rates.
- (f) Other charges, levies and taxes.
- (g) Water Consumption Charge.
- (h) Any Arrear Amount Due.
- (i) Interest on Arrear Amounts.
- (j) Collection Charges or Legal Costs.
- (k) The Amount of any Increase in a Consumer Deposit. The unit price and number of units consumed in relation to water consumption.
- (l) The total amount payable.
- (m) The date on or before which payment must be made.

4.6 Actions to Secure Payment

- (1) The Municipality and service providers may, in addition to the normal civil legal procedures available to it in terms of Chapter 11 of the MSA to secure payment

of accounts that are in arrears, take the following action to secure payment for municipal rates and services:-

- (a) Restriction of the provisions of water and/or other services in accordance with the relevant legislation in respect of same.
- (b) Any further and/or alternative measures in terms of the MSA, this By – Law and the National Credit Act (No. 35 of 2005) as amended, to the degree applicable and necessary, including making application to black list any defaulting debtors.

4.7 Dishonoured Payments

- (1) Where the bank later dishonours any payments made to the Municipality, the Municipality may levy such costs and administration fees against an account of the defaulting debtor in terms of the Municipality's tariff provisions.
- (2) Any dishonoured payment in terms of subsection (1) above due to insufficient funds with the financial institution on which it is drawn, will be sufficient grounds for a review of the credit rating of the customer in terms of this BY – Law and in terms of the CCBC Policy.
- (3) The Chief Financial Officer and or such employee of the Municipality delegated with such authority to act as the case may be, may determine not to accept a cheque or other negotiable instrument as payment from a customer, other than a cheque or negotiable instrument on which payment is guaranteed by the financial institution on which it is drawn, should a payment or previous payment by the customer has been dishonoured as meant in subsection (1)

4.8 Cost to Remind Debtors of Arrears

- (1) For any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his/her payments are due, a penalty fee may be levied against the account of the debtor in terms of the municipality's tariff provisions.

4.9 Disconnection Fees

- (1) Where any service is disconnected as a result of non-compliance with these regulations by the customer, the Municipality shall be entitled to levy and recover the disconnection fee as determined by the Municipality from time to time from the user of the services.

4.10 Legal Fees

- (1) The Municipality, being a local authority for the purposes of the Limitation of Legal Proceedings (Provincial and Local Authorities) Act (No. 94 of 1970), may in terms of Section 109 of the MSA comprise or compound any action, claim or proceedings and may submit to arbitration any matter concerning the pursuance of the CCDC Policy, this By – Law and other applicable legislation, regulations and By – Laws.
- (2) All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears, shall be levied against the arrears account of the debtor and shall be levied against said account.
- (3) The Council may levy and recover such collection charges not included in sub – section 4.8.1 above or in any other Section of this By - Laws.

4.11 Interest Charges

- (1) Interest will be charged on any amount due and in arrears in accordance with the applicable legislation, regulations and laws.

4.12 Payment of Accounts

- (1) The Municipality may:-

- (a) Consolidate any separate accounts of persons liable for payments to the Municipality,
 - (b) Credit any payment by such a person against any account of that person, and
 - (c) Implement any of the debt collection and credit control measures provided for in these regulations in relation to any arrears on any of the accounts of such a person.
- (2) When payment is received from a debtor, the principle of oldest debt first will be followed and consumer accounts credited as such. Credits will be allocated as follows:-
- (a) Legal fees incurred, fines and penalties for late payment of account.
 - (b) Interest.
 - (c) Arrears.
 - (d) Property Rates (current account).
 - (e) Refuse (current account).
 - (f) Sewer (current account).
 - (g) Sundry (VAT) (current account).
 - (h) Water (current account).

4.13 Power to Restrict or Disconnect Supply of Services

- (1) The Municipality may restrict the supply of water or discontinue any other service to any premises whenever a user of any service:-
- (a) Fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates or taxes;
 - (b) Fails to comply with a condition of supply imposed by the municipality;

- (c) Obstructs the efficient supply of water or any other municipal services to another customer;
 - (d) Bypasses or tampers with or attempts to bypass or tamper with any metering equipment of the municipality;
 - (e) Supplies such municipal service to a customer who is not entitled thereto or permits such service to continue;
 - (f) Causes a situation which in the opinion of the municipality is dangerous or a contravention of relevant legislation;
 - (g) Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act no 24 of 1936; and
 - (h) If an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such user.
- (2) Water services of defaulters will be restricted within five (5) working days after the monthly due date.
- (3) Notices will only be distributed with the discontinuation of services.
- (4) Notices will be distributed to Organs of state, who will be given twenty one (21) days to settle accounts in arrear, failing which services will be discontinued without any further notice.
- (5) The Municipality shall reconnect and or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid in full or any other condition or conditions of this Credit Control Policy as it may deem fit have been complied with.
- (6) 50% of the outstanding amount plus the current amount must be paid and acceptable arrangement signed by a debtor and the Municipality.
- (7) The right to restrict, disconnect or terminate service due to non-payment shall be in respect of any service rendered by the Municipality and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and shall prevail notwithstanding the fact that the person who entered into

agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.

4.14 Disputes and Payments during Disputes

- (1) All disputes must be submitted in writing to the Municipal Manager prior to the final due date for payment of the contested amount. Such dispute must contain details of the specific item(s) on the account, which are subject to dispute with full reasons.
- (2) Should any dispute arise as to the amount owing by an owner in respect of municipal services the owner shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal debits for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the Municipality.

4.15 Full and Final Settlement of an Amount

- (1) The Chief Financial Officer shall be at liberty to appropriate monies received in respect of any of its municipal services it deems fit.
- (2) Where the exact amount due and payable to the Municipality has not been paid in full, any lesser amount tendered to and accepted by a municipal employee, except the Chief Financial Officer and/or his/her fully authorised delegate, shall not be deemed to be in final settlement of such an amount.
- (3) The provisions above shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full settlement.
- (4) The Chief Financial Officer and/or his/her delegate shall consent to the acceptance of such a lesser amount in writing.

4.16 Arrangements to Pay Outstanding and Due Amount in Consecutive Instalments

- (1) One of the key objectives of debt collection is to encourage debtors to start paying their monthly accounts in full. In addition, it is also necessary to ensure that arrear debt is addressed. The current average balances on consumer accounts necessitates that innovative ideas be implemented to encourage consumers to pay off their arrears. It is also of utmost importance that regular payers not be discouraged through the implementation of any possible incentives.

- (2) The main aim of an agreement will be to promote full payment of the current account and to address the arrears on a consistent basis. A debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions:-
 - (a) The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly instalments;

 - (b) The current monthly amount must be paid in full; and

 - (c) The written agreement has to be signed on behalf of the Municipality by a duly authorised officer.

- (3) In order to determine monthly instalments, a comprehensive statement of assets and liabilities of the debtor must be compiled by a treasury official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the consumer, taking into account that payment of the monthly current account is a prerequisite for concluding an arrangement.

- (4) Implementation of the following principles (as a once off initiative) could enhance the success of debt collection to a great extent:-
 - (a) Where a debtor (Residential) pays 50% on his/her arrear account that is more than 90 days the other 50% will be written off. Subject to the account being more than R10 000 inclusive of interest.

 - (b) Where arrangements are made to pay off the arrear amount in instalments, such an arrangement should be honoured for at least a six month consecutive period where after arrears will be written off on a monthly basis on a rand for rand basis (for every one rand that is paid one rand will be written off from the provision for bad debt).

 - (c) In addition to clause point above Council must approve an annually once off initiative for outstanding debt by households. Where a percentage of the debt will be written off if the debtor pays off all the outstanding debt plus current

amount. A percentage will be proposed to council by the CFO before such initiative is implemented.

4.17 Interest on Arrears

(1) Implementation of the following principles (as a once off initiative) could also enhance the success of debt collection to a great extent:-

- (a) Levying of interest on arrear accounts should be immediately suspended upon completion of a debt agreement. This will allow debtors to see progress on their accounts, as continued payments will reflect a decrease on the balance.
- (b) As long as the agreement is honoured no further interest will be added. However, in case of defaulting the suspended amount will be reversed and interest will again be levied from date of default.
- (c) Where a debtor pays 50% or more on his arrear account or settles the arrear account in full through a once off payment, all interest on arrear amounts will be written off immediately.
- (d) Where arrangements are made to pay off the arrear amount in instalments, such instalments should be determined on the outstanding amount excluding arrear interest. Such an arrangement should be honoured for at least a six-month consecutive period where after interest on arrear amounts will be written off on a monthly basis. This arrangement will imply that upon payment of the final instalment all interest on arrear amounts will have been written off.
- (e) Where debtors fail to honour their arrangements without prior consultation interest will be reinstated and added to the original debt amount.

4.18 Reconnection of Services

(1) The Chief Financial Officer shall authorise the reconnection of services or reinstatement of service delivery only after satisfactory payment or arrangement

for payment has been made and a reconnection fee has also been paid in accordance with the Municipality's Credit Control Policy

4.19 Deductions of Salaries and Allowances

- (1) It is the policy of Council that Councillors and officials will set an example to the community. In this regard, Councillors must sign a stop order against their allowances and officials against their salaries for the monthly payment of consumer accounts.

5. PERSONNEL AND FINANCIAL IMPLICATIONS

- (1) Where a credit control and debt collection function does not exist, this implies that a dedicated structure be established with a credit control officer in charge. In view of the fact that credit control and debt collection must always be able to operate in isolation to any customer management service, it is imperative that a staff establishment for this function be implemented.
- (2) The establishment of a credit control and debt collection division will have to be financed from the operating budget, which will have an incremental impact on the budget. However, this will be offset by improved cash inflow as a result of an efficient collection system.

6. FRAUD, TAMPERING AND OTHER CRIMINAL ACTIVITY

- (1) Any person, who undertakes or allow or causes any other person to undertake an illegal connection, will be guilty of an offence.
- (2) A customer who becomes aware of an illegal connection of the water supply to a property or premises owned by or occupied by such customer, must immediately notify the Council thereof in writing.
- (3) The Council will immediately disconnect any illegal connection and remove any wiring, piping or other equipment or installation relating to an illegal connection.

- (4) The Municipality may not interfere where criminal activity is evident. The legal penalties and criminal justice system may not be subject to conflicting resolutions by the municipality. All such cases must be prosecuted to the fullest extent of the law.
- (5) The Municipality may not supply water to a customer who is found guilty of/or if it is admitted that fraud, theft or any other criminal action involving the use of these services existed, until the total costs, penalties, other fees and tariffs and rates due to the municipality have been paid in full.

7. AGENTS, ATTORNEYS AND OTHER COLLECTION AGENTS

- (1) All external agents acting on behalf of the Municipality are to be named, together with their details and contact information. Likewise, all agents are to be supplied with a copy of the credit control measures.
- (2) Clear instructions to agents and other arrangements must be explained for the customers' benefit. Under no circumstances may agents negotiate terms, extend payment periods or accept cash on behalf of municipality, unless specifically instructed in writing to do so. The agent, on request by consumers, must produce this instruction.
- (3) The costs to the Municipality and to the debtor must be detailed for each stage of the credit control measures and for all possible actions. The liability for the costs of legal action and other credit control actions must as far as is legally possible be for the account of the debtor.

8. CREDIT CONTROL POLICY TO BE APPLIED FOR INDIGENT HOUSEHOLDS

8.1 Introduction

- (1) The key purpose of the FBSIS Policy is to ensure that households with no or lower income are not denied a reasonable service, and on the contrary the local authority is not financially burdened with non-payment of services.
- (2) Provided that grants are received and funds are available, the FBSIS policy should remain intact.

8.2 Aims of the Policy

- (1) The CCDC Policy and this By – Law, in conjunction with the FBSIS Policy, aims to achieve the following:-
 - (a) To distinguish between those who can and cannot genuinely pay for services;
 - (b) To get those who cannot pay to register with the municipality so that they could be given subsidies;
 - (c) To enable the municipality to determine and identify defaulters to ensure appropriate credit control procedures;
 - (d) To establish an indigency directory of all persons who comply with the policy.

8.3 Process to apply for consideration in terms of the FBSIS Policy

- (1) The customer, in order to qualify as an indigent, needs to complete the necessary documentation as required.
- (2) Any application made by a customer in this regard must be fully completed and submitted to the Municipality at its authorised offices within its jurisdiction to the relevant officials tasked with accepting such applications.

- (3) The Municipality and/or its employees vested with the authority to consider such applications shall consider same in accordance with the relevant provisions of the MSA and other applicable legislation and in accordance with the Municipalities FBSIS Policy.
- (4) The Municipality and/or its duly authorised officials reserve the right to refuse such application on reasonable grounds and its accordance with its mandate in terms of the MFMA and MSA and regulations thereto.

8.4 Obligation to Pay

- (1) It is important to note that the subsidy received may not cover the full account. In such event the consumer is still responsible for the balance between the full account and the subsidy received. Where applicable, credit control must still be applied for these outstanding amounts.

9. POWER OF ENTRY AND INSPECTION

- (1) A duly authorised representative of the Council may for any purpose related to the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for the purpose of installing or repairing any meter or services connection reticulation, or to disconnect, stop or restrict the provision of any services.
- (2) If the council considers it necessary that work be performed to enable an employee to perform a function referred to in subsection (1) properly and effectively, it may; a. By written notice require the owner or occupier of the premises at his own expenses to do specific work within a specified period. b. If in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner, or c. If the work referred to in subsection (1) above is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the council shall bear the expense connected therewith together with expenses of restoring the premises to its former conditions.

10. OFFENCES

(1) Any person who:

- (a) Fails to give access required by an employee in terms of this by-laws;
 - (b) Obstruction or hinders an employee in the exercise of his/her power or performance of function or duties under this by-law;
 - (c) Uses or interferes with council equipment or consumption of services supplied
 - (d) Tampers or breaks any seal on a meter or on any equipment belonging to the council, or for any reason as determined by the Chief Financial Officer causes a meter not to properly register the services used;
 - (e) Fails or refuses to give an employee such information as he or she may reasonably require for the purpose of exercising his/her power or functions under this by-law or give such an officer false or misleading information knowing it to be false or misleading; and /or
 - (f) Contravenes or fail to comply with a provision of this by law
- (2) Shall be guilty of an offence and be liable upon conviction to a fine not exceeding two thousand five hundred rand (R2 500) or to imprisonment for a period not exceeding six (months or both such a fine and imprisonment and, in addition may be charged for usage, as estimated by the Chief Financial Officer based on average usage during the previous six (6 months or as may be determined by the resolution of the council from time to time.

11. CONFLICT OF BY-LAWS

- (1) If there is any conflict between this by-law and any other by-law of the council, this by-law will prevail.

12. NOTICES AND DOCUMENTS

- (1) A notice or document issued by the council in terms of this by law shall be

deemed to be duly issued if signed by an employee duly authorised by the council.

- (2) If a notice is to be served on a person in terms of this by-law such service shall effected by:
- (a) Delivering the notice to him personally or to his duly authorised agent;
 - (b) By delivering the notice at his residence or place of employment to a person apparently not less than sixteen (16) years of age and apparently residing or employed there;
 - (c) If he has nominated an address for legal purposes, by delivering the notice to such an address
 - (d) By registered or certified postal address of his last known address
 - (e) In the case of a body corporate, by delivering it to the registered office or the business premises of such body corporate, and or;
 - (f) If services cannot be effected in terms of the aforesaid subsections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

13. AUTHENTICATION OF DOCUMENTS

- (1) Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorised employee of the council. (2) Delivery of a copy of the document shall be deemed to be delivered of the original.

14. PRIMA FACIE EVIDENCE

- (1) A certificate under the hand of the Chief Financial Officer reflecting the amount due and payable to the council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

15. EFFECTIVE DATE

- (1) This reviewed by-law shall come into effect as from the date on which it was adopted by the Municipal Council and publication on the Government Gazette.

NOTICE 65 OF 2018

DR JS MOROKA MUNICIPALITY**PROPERTY RATES BY-LAW**

The Municipal Manager of Dr JS Moroka Local Municipality hereby, in terms of Section 98(1) of the Local Government: Municipal Systems Act 32 of 2000, publishes the Property Rates By- Law for the Dr JS Moroka Local Municipality, as approved by its Council as set out hereunder.

PURPOSE OF BY-LAW

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community in accordance with the provisions of:

- (a) Section 229 of the Constitution of the Republic of South Africa (Act No. 108 f 1996);
- (b) Section 3, read with Sections 2 (1) and 2 (3) of the Local Government: Municipal Property Rates (No. 6 of 2004) as amended and regulations thereto;
- (c) Section 62 (1)(f)(ii) of the Local Government: Municipal Finance Management Act (No. 56 of 2003) as amended and regulations thereto;
- (d) Section 4 (1)(c) Local Government: Municipal Systems Act (No. 32 of 2000) as amended and regulations thereto.
- (e)

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1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

- 1.1 **“Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 **“Agent”**, in relation to the owner of a property, means a person appointed by the owner of the property-
 - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 **“Agricultural purpose”** in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 **“Annually”** means once every financial year;
- 1.5 **“Category”**
 - (a) in relation to property, means a category of properties determined in terms of Section 7 of this policy; and
 - (b) in relation to owners of properties, means a category of owners determined in terms of Section 8 of this policy.
- 1.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 **“Definitions, words and expressions”** as used in the Act are applicable to this policy document where ever it is used;
- 1.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
 - (a) acquired the property through -
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);

- (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 1.9 **“Land tenure right”** means an old order right or a new order right as defined in Section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 1.10 **“Municipality”** means the Local Municipality of Dr JS Moroka;
- 1.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
 - (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified.
- 1.12 **“Owner”-**
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
 - (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
 - (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
 - (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-
 - (i) a trustee, in the case of a property in a trust excluding state trust land;

- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
- (iv) a judicial manager, in the case of a property in the estate of a person under
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

1.14 **“Property”** means -

- (a) Immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

1.15 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

1.16 **“Residential property”** means improved property that:-

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (c) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.

- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

1.17 “**Rural communal settlements**” means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

1.18 “**state trust land**” means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

1.19 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

2. Principles

2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll and supplementary valuation roll.

2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law. Such differentiation is done in accordance with national and provincial governmental legislation, regulations, and the Municipality’s policies and By – Laws as set out in this By – Law and does not constitute unfair discrimination defined in Section 9 of the Constitution (Act 108 of 1996).

2.3 Some categories of property and categories of owners will be granted relief from rates.

2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.

2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.

2.6 The municipality’s rates policy will be based on the following principles:

- (a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.

(c) Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
- ii. Supports local, social and economic development; and
- iii. Secures the economic sustainability of every category of ratepayer.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. **Application of By-law**

- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the Municipality, this By-Law will prevail.
- 3.3. The following legislation, regulations, policies and By – Laws shall have relevance and apply to this By – Law insofar as is legally required, applicable and relevant and same should be read as if specifically incorporated into this By - Law:
 - (a) Section 229 of the Constitution of the Republic of South Africa (Act 108 of 1996) (“**the Constitution**”).
 - (b) The Local Government: Municipal Finance Management Act (No. 32 of 2000) as amended (“**the MFMA**”) and regulations thereto.

- (c) The Local Government: Municipal Systems Management Act (No. 7 of 2011) (“**the MSMA**”) as amended and regulations thereto
 - (d) The Local Government: Municipal Property Rates Act (No. 6 of 2004) (“**the MPRA**”) and regulations thereto.
 - (e) The Social Assistance Act (No. 53 of 1992) (“**the SAA**”) as amended a regulations thereto.
 - (f) The Municipality’s:
 - (i) Budget Policy for the financial year 2017 – 2018 (“**Budget Policy**”);
 - (ii) Cash Management and Investment Policy for the financial year 2017 – 2018 (“**Cash Management Policy**”);
 - (iii) Credit Control and Debt Collection Policy for the financial year 2017 – 2018 (“**the CCDC Policy**”);
 - (iv) Credit Control and Debt Collection By – Law for the financial year 2017 – 2018 (“**the CCDC By – Law**”);
 - (v) Free Basic Services and Indigent and Support Policy for the financial year 2017 – 2018 (“**FBSIS Policy**”);
 - (vi) Impairment of Debt and Write Off Policy for the financial year 2017 – 2018 (“**IDWO Policy**”);
 - (vii) Tariff Policy for the financial year 2017 – 2018 (“**Tariff Policy**”);
 - (viii) Tariff and Free Basic Services By – Law for the financial year 2017 – 2018 (“**Tariff By – Law**”); and
 - (ix) Asset Loss Control Policy for the financial year 2017/2018 (“**ACP Policy**”); and
 - (x) Property Rates Policy for the financial year 2017/2018 (“**Rates Policy**”).
- 3.4 The list in Section 3.3 above is not exhaustive nor exclusive, and this By – Law may be regulated and/or informed by further legislation, regulations and applicable laws as the case may be.
- 3.5 Further to Section 3.3 and 3.4 above, this By – Law must be read in conjunction with the provisions of the applicable Town Planning Schemes and Town Planning and Townships Ordinances.
- 3.6 In imposing the rate in the rand for each annual operating budget component, the Municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-

(a) Trading services

i. Water

(b) Economic services

i. Refuse removal.

ii. Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b).

4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.

5.2 Such rates will be determined on an annual basis during the compilation of the Municipality's budget.

5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the dominant use of the property regardless the formal zoning of the property;

5.4 Properties used for multiple purposes shall be categorised and rated as provided for in Section 9 of the Act and as more fully described in clause 7 of this by-law

5.5 The categories of properties as referred to above, shall include but not be limited to, the following:

(a) State owned properties;

(b) Municipal properties;

(c) Public service infrastructure;

(d) Industrial properties;

(e) Business properties;

(f) Agricultural properties;

- (g) Small holdings;
- (h) Properties owned by Public Benefit Organisations;
- (i) Churches;
- (j) Educational;
- (k) Privately owned towns; and
- (l) Vacant stands.

6. Categories of owners

6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the Municipality's FBSIS Policy;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget
- (c) Owners of property situated within an area affected by-
 - i a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

7.1 Rates on properties used for multiple purposes will be levied by the "dominant use of the property" in accordance with Section 8 of the MPRA.

8. Differential rating

8.1 Criteria for differential rating on different categories of properties is in accordance with Section 8 of the MPRA, and will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2 Differential rating among the various property categories will be done by way of:

- (a) setting different cent amount in the rand for each property category;
- (b) and by way of reductions and rebates as provided for in the municipalities rates policy document.

9. Exemptions and Impermissible Rates

9.1 Categories of property and categories of owners as determined by the municipality's Rates Policy on an annual basis will be exempted from paying rates.

9.2 The categories mentioned in Section 9.1 above are as follows:

(a) Municipal Properties

- (i) Such exemption is made for the purpose of preventing a rates burden or service charges to property owners or consumers.
- (ii) Where such properties are leased, the lessee shall be responsible for payment of determined assessment rates in accordance with the lease agreement.

(b) Residential Properties

- (i) All residential properties with a market being less than the value of R_____.00 are exempted from paying rates.
- (ii) The maximum reduction for the 2017/2018 financial year is in the sum of R_____.00, which said sum is computed as follows:
 - (ia) The impermissible rates in terms of Section 17 (1) (h), in the sum of R_____.00; and
 - (ib) The sum of R_____.00, being determined as part of the Municipality's FBSIS Policy.

(c) Public Service Infrastructure

- (i) The Levying of rates of public service infrastructure has been phased over a 5 year period, starting from 1st July 2017 and is in accordance with the relevant provision of the Municipality's Rates Policy.

(d) Right registered against a Property

(e) Properties in which it is difficult to establish a market value

(f) Impermissible Rates

- (i) As particularized in the Rates Policy and in accordance with the provisions of Section 17 (1) of the MPRA, no rates may be levied:
 - (ia) on the applicable parts of a special nature reserve, national park or nature reserve;
 - (ib) on mineral rights as defined in the Rates Policy and in Section 1.14 of this By – Law;
 - (ic) On property belonging to a land reform beneficiary or his heirs in accordance with the *proviso* stipulated in the Rates Policy; and
 - (id) On property registered in the name of and used primarily as a place of public worship by a religious community in accordance with the provisions of the Rates Policy.

(g) Public Benefit Organisations (PBO's)

(h) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the Municipality's Rates Policy.

9.2 Conditions determined by the rates policy will be applied accordingly.

9.3 Exemptions will automatically apply where no applications are required.

9.6 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

9.7 The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

10. Reductions

10.1 Reductions as contemplated in Section 15 of the MPRA will be considered on an *ad-hoc* basis in the event of the following:

(a) Partial or total destruction of a property.

(b) Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:-

(a) The owner referred to in 10.1 (a) shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

(b) Maximum reduction determined annually by the municipality will be allowed in respect of both 10.1 (a) and 10.1 (b).

- (c) An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- (d) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1. Categories of property

- (a) The municipality may grant rebates to categories of property as determined in the municipality's Rates Policy.

11.2 Categories of owners

- (a) The municipality may grant rebates to categories of owners as determined annually in the municipality's Rates Policy.

11.3 Conditions determined by the Rates Policy will be applied accordingly.

11.4 Applications for rebates must reach the municipality before the date determined by the Rates policy, preceding the start of the new municipal financial year for which relief is sought.

11.5 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

11.6 Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

11.7 The extent of the rebate in terms of 11.1, 11.2 and 11.6 will annually be determined by the municipality and it must be included in the annual budget.

12. Payment of rates

12.1 Council may levy assessment rates: -

- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property, but before 30th September of each year.

12.2 The owner of the property which is subject to rates must notify the municipal manager or his/her nominee in writing no later than 30th June in any financial year or such later date as may be determined by the Municipality that he/she wishes to pay all rates annually.

- 12.3 Insofar as the property owner complies with Section 12.2 above and same is accepted by the Municipality, such owner shall be entitled to pay all rates in the subsequent financial year annually until such notice is withdrawn by him/her in a similar manner.
- 12.4 The municipality shall determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.
- 12.3 Rates payable on an annual basis, will be subject to a discount of 5% if paid in full on or before 30 September of each year.
- 12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the CCDC Policy and By – Law of the Municipality.
- 12.5 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the CCDC Policy and By – Law of the Municipality.
- 12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the MPRA and the Municipality's credit control and debt collection by-law.
- 12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

- 13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (a) the amount due for rates payable,

- (b) the date on or before which the amount is payable,
- (c) how the amount was calculated,
- (d) the market value of the property, and
- (e) Rebates, exemptions, reductions or phasing-in, if applicable.

13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

14. Phasing in of rates

14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in Section 21 of the MPRA.

14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:

- (a) First year : 75% of the relevant rate;
- (b) Second year: 50% of the relevant rate; and
- (c) Third year: 25% of the relevant rate.

14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below:-

- (a) First year : 100% of the relevant rate;
- (b) Second year: 75% of the relevant rate
- (c) Third year : 50% of the relevant rate; and
- (d) Fourth year : 25% of the relevant rate.

15. Special rating areas

15.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in Section 22 of the MPRA.

15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:

- (a) Proposed boundaries of the special rating area;

- (b) Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
 - (c) Proposed improvements clearly indicating the estimated costs of each individual improvement;
 - (d) Proposed financing of the improvements or projects;
 - (e) Priority of projects if more than one;
 - (f) Social economic factors of the relevant community;
 - (g) Different categories of property;
 - (h) The amount of the proposed special rating;
 - (i) Details regarding the implementation of the special rating;
 - (j) The additional income that will be generated by means of this special rating.
- 15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.
- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.
- 16. Frequency of valuation**
- 16.1 The municipality shall prepare a new valuation roll every 4 (four) years.

16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.

16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

17. Community participation

17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

(a) Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.

(b) Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).

(c) Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.

(d) Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs

(e) Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.

(f) The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.

(g) The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

18 Register of properties

18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- (a) Exemption from rates in terms of Section 15 of the MPRA;
 - (b) Rebate or reduction in terms of Section 15 of the MPRA,
 - (c) Phasing-in of rates in terms of Section 21 of the MPRA, and
 - (d) Exclusions as referred to in Section 17 of the MPRA.
- 18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 18.5 The municipality will update Part A of the register during the supplementary valuation process.
- 18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

19. Regular review processes

- 19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.

20. Publication of resolutions levying rates

- 20.1 The Rates Policy other relevant law shall, to the extent applicable, set out the procedure to be followed in the consideration of all objections and/or comments received pursuant to the publication of any resolutions of the Council regarding the levying of rates.

21. Applications

The Council shall consider every application in terms of the Rates Policy within a reasonable time and may approve said application subject to such conditions as the Council may determine as necessary and/or appropriate under the circumstances, alternatively, refuses such application.

22. Enforcement

Enforcement of this By – Law shall be made by way of this By – Law, the Rates Policy informing such By – Law, as well as other appropriate mechanisms legally permissible.

23. Short title

This by-law is the rates by-law of the Dr JS Moroka Local Municipality.

- 24. Commencement** This by-law comes into force and effect on the date of Publication on Government Gazetted and upon it being adopted by the Municipal Council.

NOTICE 66 OF 2018

SPECIMEN RESOLUTION ON LEVYING PROPERTY RATES



dr.jsmlm

Dr JS Moroka Local Municipality

SPECIMEN RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO.6 of 2004).

MUNICIPAL NOTICE NO: R328.05.2018 ND

NOTICE DATE: 04.06.2018

DR JS MOROKA LOCAL MUNICIPALITY

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2018 TO 30 JUNE 2019

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 30/04/2018, the Council resolved by way of council resolution number **R297.04.2018 ND** to levy the rates on property reflected in the schedule below with effect from 1 July 2018.

Category of property	Cent amount in the Rand rate determined for the relevant property category
Residential property & Non-Profit Organisation	0.0077
Business and commercial property	0.0187
Agricultural property (Residential)	0.0077
Agricultural property(Commercial)	0.0187
Concern Use	0.0132
Government Institution	0.0187

NOTICE 67 OF 2018

DR JS MOROKA MUNICIPALITY**TARIFF AND BASIC SERVICES DRAFT BY-LAW**

The Municipal Manager of Dr JS Moroka Local Municipality hereby, in terms of Section 98(1) of the Local Government: Municipal Systems Act 32 of 2000, publishes the tariff and basic draf By- Law for the Dr JS Moroka Local Municipality, as approved by its Council as set out hereunder.

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1. DEFINITIONS AND ABBREVIATIONS

"Accounting officer" means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

"Annual budget" shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

"Basic municipal services" shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

"By-law" shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

"Consumer price index" shall mean the CPIX as determined and gazetted from time to time by the South Bureau of Statistics.

"Chief financial officer" means a person designated in terms of section 80(2) (a) of the Municipal Finance Management Act.

"Councillor" shall mean a member of the council of the municipality.

"Domestic consumer or user" of municipal services shall mean the person or household which municipal services are rendered in respect of "residential property" as defined below.

"Financial year" shall mean the period starting from 1 July in any year and ending on 30 June of the following year.

"Integrated development plan" shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

"Local community" or "community", in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic organisations and non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality.

"Month" means one of twelve months of a calendar year.

"Municipality" or "municipal area" shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality

"The municipality" means Dr JS Moroka Local Municipality.

"Municipal council" or "council" shall mean the municipal council of Dr JS Moroka Local Municipality as referred to in Section 157(1) of the Constitution.

"Municipal entity" shall mean (a) a company, co-operative, trust, fund or any other corporate entity established in terms of any applicable national or provincial legislation, and which operates under the ownership control of one or more municipalities; or (b) a service utility.

"Municipal manager" shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

"Multiple purposes" in relation to a property, shall mean the use of a property for more than one purpose.

"Municipal service" has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

"Municipal tariff" shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity, water, sewerage and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

"Occupier" in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

"Owner" (a) in relation to a property referred to in paragraph (a) of the definition of **"property"**, shall mean a person in whose name ownership of the property is registered; (b) in relation to a right referred to in paragraph (b) of the definition of **"property"**, shall mean a person in whose name the right is registered; (c) in relation to a land tenure right referred to in paragraph (c) of the definition of **"property"**, shall mean a person in whose name the right is registered or to whom it was granted in terms of legislation; and (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of **"property"**, shall mean the organ of state which owns or controls that public service infrastructure as envisaged in the definition of **"publicly controlled"**, provided that a person mentioned below may for the purposes of the Property Rates Act 2004 be regarded by the municipality as the owner of a property in the following cases:-

- (i) a trustee, in the case of a property in a trust, but excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; and
- (viii) A buyer, in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer.

"Rate" shall mean a municipal rate on property as envisaged in Section 229(1) (a) of the Constitution.

"Rateable property" shall mean property on which the municipality may in terms of Section 2 of the Property Rates Act 2004 levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act.

"Ratepayer" shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

"Rebate" in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Property Rates Act 2004 on the amount of the rate payable on the property.

"Residential property" shall mean a property included in the valuation roll in terms of Section 48(2) (b) of the Property Rates Act 2004 as residential.

"Tariff" means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

2. PURPOSE OF THE TARIFF BY-LAW

The purpose of this tariff By-Law is to prescribe the accounting and administrative policies and procedures relating to the determining and levying tariffs by Dr JS Moroka Local Municipality in accordance with Section 75 of the Local Government: Municipal Systems Act (No. 32 of 2000) (MSA) and in compliance with the applicable requirements as per the Local Government: Municipal Finance Management Act (No. 56 of 2003).

The Municipality should perform the procedures set out in this policy to ensure the effective planning and management of tariffs. In setting its annual tariffs the Council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

3. SCOPE OF APPLICATION

- 3.1 Sections 4 and 75 of the MSA confirms the power and right of the Municipality to charge fees for services rendered and to impose surcharges on fees, rates on property and other taxes, levies and duties, the Municipality having to endeavour to the extent reasonably possible that the provision of such services are provided to and in consultation with the local community in an environmentally and financially sustainable manner in accordance with Sections 4(2) (d) and 4(2) (e) thereto.
- 3.2 This By – Law is directly informed by the Municipality's Tariff Policy for the 2017/2018 Financial Year and is to be read as informed by the latter document

and that, to the extent applicable, the provisions thereof are specifically incorporated herein.

- 3.3 Furthermore, this By-Law applies to all tariffs charged within the defined boundaries and jurisdiction of Dr JS Moroka Local Municipality.

4. TARIFF POLICY FOR THE PERIOD 2018 – 2019 (“the Tariff Policy”) AND IT’S APPLICATION TO THIS BY – LAW:

- 4.1 The council shall levy tariffs in accordance with the above – stated policy as reflected in the Schedule marked Annexure “A” hereto. The municipality’s tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- 4.2 To the extent that this By – Law and the Policy thereto differentiate between different categories of users, debtors, service providers, services and service standards, geographical areas and more, kindly note that same is done in accordance with Section 74(2) of the MSA and such discrimination does not constitute unfair discrimination as defined in Section 9(1), (2) and (3) of the Constitution of the Republic of South Africa (No. of 1996), read with Section 36 thereof.
- 4.3 Any changes to the Tariff Policy shall be approved by the council together with the adoption of resolutions setting tariffs for the budget year and published as an amendment to this By – Law.
- 4.4 The Mayor shall, to the extent necessary, co-ordinate the processes for reviewing the Tariff Policy when preparing the annual budget.
- 4.5 The municipality shall further develop, approve and at least annually review an indigent support programme for the municipal area, such current policy being the Municipality’s Free Basic Services and Support Policy for the period 2017 – 2018 (hereinafter referred to as “the FBSIS Policy”). This programme shall set out clearly the municipality’s cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- 4.6 Regulations 4.2 to 4.4 shall apply similarly with regard to the FBSIS Policy.

5. BASIC PRINCIPLES TO BE CONSIDERED IN DETERMINATION OF A TARIFF STRUCTURE

- 5.1 Service tariffs imposed by the local municipality shall be viewed as user charges and not as taxes, and therefore the financial or other ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigent relief measures approved by the municipality from time to time).

- 5.2 The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region in accordance with the various levels of services.
- 5.3 The Tariffs for the three major services rendered by the municipality, namely:-
- (a) Water;
 - (b) Sewerage (waste water); and
 - (c) Refuse Removal (solids waste).
- are based on the recovery of the costs for delivery of such services, in such circumstances that are practically and financially feasible, are further based upon the generation of a modest surplus and source of municipal revenue, as determined in each annual budget.
- 5.4 Such surplus shall be applied in relief of property rates or for the future capital expansion of the service concerned, or both.
- 5.5 The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- 5.6 In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget as per regulation 4.2 above.
- 5.7 The municipality further undertakes to ensure that its tariffs as per the Tariff and FBSI Policies respectively and others, shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- 5.8 The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.
- 5.9 In the case of a directly measurable service such as water, the consumption of such service shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- 5.10 In addition, the municipality shall levy monthly availability (where the services are available but not connected)/ or basic charges for the services concerned and these charges shall be fixed for each type of property as determined in accordance with its appropriate policies. Availability charges are also applicable to sewer services.

Generally, consumers of water shall therefore pay two charges:-

- (a) A basic charge which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and

- (b) A consumption charge directly related to the consumption of the service in question; or
 - (c) A flat rate (no basic charge) in the case where the consumption is not metered.
- 5.11 In considering the costing of its water, and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.
- 5.12 In adopting what is fundamentally a two-part tariff structure, namely a basic/availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

6. AUXILIARY SERVICES AND COSTS FOR AUXILIARY SERVICES

- 6.1 Auxiliary shall be defined as such services as are reasonably necessary for, or incidental to the effective rendering of municipal services.
- 6.2 Such fees, charges and tariffs for Auxiliary Services are based upon recovery of the cost to provide said services.
- 6.3 Auxiliary Services shall be inclusive of, but not limited to:
- (a) The lodging of applications;
 - (b) The issuing of a certificate, direction, approval, consent or permission by the municipality;
 - (c) The production or installation or an items of work by the Municipality;
 - (d) Utilisation of the service of a municipal official;
 - (e) Hiring of municipal equipment; and
 - (f) The utilization of municipal infrastructure and amenities.

7. GENERAL, UNDERTAKINGS AND PHASING OUT OF CERTAIN SERVICES:

7.1 General and Undertakings by the Municipality

- 7.1.1 The Municipality hereby undertakes to ensure as reasonably possible that tariffs are costs effective, are comparable to those applied in other municipalities of similar infrastructural, economic and other composition, ensuring as far as is reasonably possible and in accordance with its mandate and the applicable provisions of the Constitution of the Republic of South Africa and applicable legislation, regulations and Municipal Policies:

- (a) That services are delivered at an appropriate level;
- (b) The removal of domestic waste, water and sewage, and domestic refuse removal; and
- (c) The provision of electricity.

7.1.2 The Municipality also undertakes to, insofar as is reasonably possible, necessary and feasible, to introduce and maintain a performance management system for the purpose of ensuring the actual implementation of all plans and projects undertaken, including ensuring the efficient and economic utilization of Municipal resources and appropriate delivery mechanisms.

7.1.3 The Municipality shall further that service charges (amended to the extent applicable herein) are imposed in respect of any service where reasonably possible in such circumstances where tariffs are uneconomical and/or where nominal and or no such tariffs have been set.

7.2 Phasing out of Certain Services rendered and/or financed for by the Municipality

7.2.1 The Municipality reserves the right to phase out any services in accordance with applicable due process and consultation (to the extent required and necessary) except to the extent that it is legally required to provide said service and/or services, in such circumstances:

- (a) Where there is little and/or no demand for such service(s);
- (b) Where the price for such service(s) is under the actual cost to the Municipality to provide said service(s) and which requires the latter to maintain significant infrastructure and/or other facilities.

7.2.2 The Municipality reverses the right to phase out any non – core functions currently performed by the Municipality as soon as practically possible and in accordance with applicable due process and consultation (to the extent required and necessary), without depriving the affected and/or other communities within its jurisdiction of services which actually contribute to quality of life.

8. FACTORS TO BE CONSIDERED IN THE DETERMINATION OF A TARIFF STRUCTURE

8.1 Financial Factors

The primary purpose of a tariff structure is to recover the actual costs of the rendering of a particular service. If a service is rendered at a loss, cross subsidisation of such loss by another service will be necessary. This will place a burden on the tariff structure of the other service.

In order to determine the tariffs which must be charged for the supply of the three major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:-

8.1.1 Cost of bulk purchases in the case of water (where applicable);

8.1.2 Distribution losses in the case of water;

8.1.3 Distribution costs;

8.1.4 Maintenance of infrastructure and other fixed assets;

8.1.3 Depreciation expenses;

8.1.4 The cost of approved indigent relief measures;

8.1.5 Administration and service costs, including:-

- (a) service charges levied by other departments such as finance, human resources and legal services;
- (b) reasonable general overheads, such as the costs associated with the Office of the Municipal Manager;
- (c) adequate contributions to the provisions for bad debts and obsolescence of stock; and
- (d) all other ordinary operating expenses associated with the service concerned (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).

;and

8.1.6 The intended surplus to be generated for the financial year; such surplus to be applied:-

- (a) as an appropriation to capital reserves; and/or
- (b) generally in relief of rates and general services.

8.2 Socio-economic factors

8.2.1 As per Regulations 3, 4, 5 and 6 above, the determination of tariffs is based on sound, transparent and objective principles at all times in accordance with the applicable provisions of the Constitution; legislation, regulations and rules; and policies of the Municipality. In order to fully understand the influence of the socio-economic factors the various user categories and forms of subsidisation are defined below.

Users can be divided into the following categories:-

- (a) Users who are unable to make any contribution towards the consumption of services and who are fully subsidised in terms of the basic package of municipal services;
- (b) Users who are able to afford a partial contribution and who are partially subsidised only; and
- (c) Users who can afford the cost of the services in total.

8.2.2 It is important to identify these categories and to plan the tariff structures accordingly. Subsidies currently derived from two sources namely:-

- (a) Contributions from National Government: National Government makes an annual contribution through the equitable share, according to a formula, which is primarily based on information obtained from Statistics South Africa by means of census surveys. If this contribution is judiciously utilised it will subsidise all indigent households who qualify in terms of the Council policy; and
- (b) Contributions from own funds: The Council can, if the contribution of National Government is insufficient, provide in its own operational budget for such support. Such action will in all probability result in increased tariffs for the larger users. Any subsidy must be made known publicly.

8.2.3 In terms of the Bill of Rights every individual has the right to have access to basic services such as food and water, health care, housing and social security. In this regard, the state has an obligation to achieve the progressive realisation of each of these rights. In accordance with the above the Municipality has defined a basic package of municipal services as follow:-

- (a) 6 kl of water per household per month.
- (b) 50 units of electricity per household per month.
- (c) Refuse removal from residential stands in accordance with the municipality's policy.
- (d) Sewer services to residential stands in accordance with the municipality's policy.
- (e) Payment of Rates and Taxes on a residential property in accordance with the municipality's policy.

8.2.4 The Municipality will annually determine as part of its budget process:-

- (a) Totally free services for a basic package of municipal services as defined above (within limits and guide lines);
- (b) Lower tariffs for users who qualify in terms of particular guide lines for a basic package of municipal services as defined above, for example to recover the operational costs of the service only; and

- (c) Full tariff payable with a subsidy that is transferable from sources mentioned above.

8.3 Minimum service levels

8.3.1 The Municipality is required in terms of Section 152 (1)(b) and 153 (b) of the Constitution to give priority to the basic needs of the community and to promote the social and economical development of the community, ensuring that all residents within the jurisdiction of the Municipality have access to at least a minimum level of basic municipal services.

8.3.2 It is important that minimum service levels be determined in order to make an affordable tariff package available to all potential users, which said minimum service levels shall be determined in accordance with the FBSIS Policy.

8.4 Multiyear budgets

8.4.1 In terms of the Municipal Finance Management Act and guidelines from National Treasury, Municipalities are required to compile multiyear budgets as from 2005/2006.

8.4.2 Such a change also necessitates that proposed tariffs would form part of this process, Which such tariffs shall be determined with regard to the Municipality's Budget Policy for the 2017 – 2018 financial year (hereinafter referred to as "the Budget Policy") in addition to the other applicable legislation, regulations, policies and by – laws particularised herein. The provisions of the Budget Policy should accordingly be similarly read as incorporated herein to the extent applicable.

8.4.2 An increase in tariffs shall not be implemented annually without considering the affordability thereof by the user. The effect of resolutions that impact on the financial situation of the Council must be observable over a longer period in respect of tariffs and sensible planning of cost structures must be done to keep tariffs within affordable levels.

8.5 Credit Control

8.5.1 For the purposes of compiling the necessary tariff's and tariff structures applicable to this By – Law, the credit control system as required by Chapter 9 of the MSA and regulations and as per the Municipality's Policy and By – Law on Customer Care Management, Credit Control and Debt Collection 2017 – 2018, together with the Municipality's Policy and By – Law on Impairment Debt and Write off, shall directly apply and the applicable provisions thereto should be read as if specifically incorporated herein.

8.5.2 notwithstanding the above, the applicable provisions pertaining to indigents and Subsidised users shall apply as per regulation 4.5 above.

8.6 Package of services

8.6.1 The accounts for rates and services must shall considered jointly to determine the Most reasonably affordable amount that the different users can pay as a total account.

8.6.2 The basic costs of a service must and shall first be recovered and then only may Profits be considered to determine the most economic package for the user with due allowance for future events in regard to a particular service.

8.6.3 The applicable provisions pertaining to indigents and subsidised users may apply as is relevant, on a case to case basis and at the *discretion* of the appropriate duly authorised employee and/or official of the municipality determining same and in accordance with the Municipality's due process as prescribed by law.

8.7 Principles in terms of the Local Government: Municipal Systems Act

8.7.1 The tariff determined in terms of this By – Law shall have regard to the provision of Section 74 (1) – (3) of the MSA, which said provisions reads as follows:

- "74. (1) A Municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation.*
- (2) A tariff structure must reflect at least the following principles, namely that-*
- (a) Users of municipal services should be treated equally in the application of tariffs;*
 - (b) The amount individual users pay for services should generally be in proportion to their use of that service;*
 - (c) Poor households must have access to at least basic services through-*
 - (i) Tariffs that cover only operating and maintenance costs;*
 - (ii) Special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service, or*
 - (iii) Any other direct or indirect method of subsidisation of tariffs for poor households;*
 - (d) Tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;*
 - (e) Tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;*
 - (f) Provision may be made in appropriate circumstances for a surcharge on the tariff for a service;*
 - (g) Provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;*
 - (h) The economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;*
 - (i) The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.*
- (3) A tariff structure may differentiate between different categories of users, debtors, service providers, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination."*

8.8 Historical and future user patterns

8.8.1 Consideration of and regard shall be had to consumption statistics within the jurisdiction of the Municipality for the purpose of determining the tariffs for the various services provided for by the Municipality.

8.8.2 Provision shall be considered for growth and seasonal use, as well as for unforeseen events that may have an impact on the various tariffs.

8.9 User groups

8.9.1 Users are traditionally divided into user groups as set out below:-

- (a) Households;
- (b) Businesses and Government Departments;
- (c) Industries/Bulk consumers; and
- (d) Schools, hostels and Institutions that are directly subsidised for example retirement homes, non-profit organisations, etcetera.

A continuous effort shall be made to group together those users who have more or less the same access to a specific service.

9. FREE BASIC SERVICES

9.1 Free basic municipal services refers to those municipal services necessary to ensure an acceptable and reasonable quality of life, and which service, if not provided, could endanger public health or safety or the environment.

9.2 In terms of the South African Constitution and in accordance with the applicable provisions of the MSA, regulations and the Municipality's FBSIS Policy and By – Law for the period 2017 – 2018, all consumers should have access to basic services.

9.3 The specified free basic services are:

- (a) Water;
- (b) Domestic waste water and sewage removal;
- (c) Domestic refuse removal; and
- (d) Electricity.

10. PROPOSED TARIFF STRUCTURES FOR VARIOUS SERVICES

10.1 It is essential that a compromise be reached between the following needs with the determination of a tariff structure:-

- (a) The need to reflect costs as accurately as possible in order to achieve cost effectiveness;
- (b) The need to ensure equality and fairness between user groups;
- (c) The need for a practically implementable tariff;
- (d) The need to use appropriate metering and provisioning technology;
- (e) The need for an understandable tariff; and
- (f) The user's ability to pay.

10.2 Taking into consideration the abovementioned points the tariff structure of the following services are discussed:-

- (a) Electricity;
- (b) Water;
- (c) Refuse Removal;
- (d) Sewerage;
- (e) Property Rates; and
- (f) Developmental Levy.

10.2.1 Electricity

All electricity services to consumers within the boundaries of Dr JS Moroka Local Municipality is directly supplied by Eskom. The Municipality therefore does not have a tariff policy for Electricity.

50 Units of free basic electricity per month is provided to all indigents registered by the municipality. This monthly cost component of 50 KWh electricity per registered indigent household consumer is paid over to Eskom.

10.2.2 Water

To calculate the tariff for water services, the actual cost incurred in the supply of water to the community has to be taken into consideration. The principle of basic levies as well as a kilolitre tariff for water consumption is determined by the cost structure. In the case of non-metering a flat rate in accordance with the cost structure must be implemented.

This cost structure consists of the following components:-

- (a) Fixed costs: It represents that portion of expenses that must be incurred irrespective of the fact whether or not any water has been sold, for example

the salary of staff with specific tasks relating to the provision of water, cost of capital and insurance that is payable in respect of the infra structure. These costs must be recovered whether any water is used or not. The costs are therefore recovered by means of a fixed levy per period (normally on a monthly basis) which is called a basic charge or an availability charge where a consumer is not connected to the available system, in order to ensure that these costs are covered.

- (b) Variable costs: It relates to the physical provision of water according to demand and must be financed by means of a unit tariff which is payable per kilolitre water consumed.
- (c) Profit taking: It goes with a *pro rata* increase in the fixed levy and unit tariffs after provision has been made for costs.

In principle, the amount that users pay for water services should generally be in proportion to their use of water services. Tariffs must be set at levels that facilitate the sustainability of the service. Currently all users pay for water at a flat rate per month, determined by the category of user, unless indicated differently.

In the case of metered services Dr JS Moroka Municipality utilises a stepped tariff structure to incorporate the national drive to promote water conservation.

Free basic water is provided to all registered indigent household consumers in accordance with the Municipality's FBSIS policy.

Water consumer categories and tariffs are set out in paragraph 9.

10.2.3 Refuse Removal

Refuse removal is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service.

The tariff levied by Dr JS Moroka Municipality is based on the category of user and the number of refuse bins used by the consumer.

The cost of refuse removal services is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

Refuse removal consumer categories and tariffs are set out in paragraph 10.

10.2.4 Sewerage

Sewer service is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service.

The tariff levied by Dr JS Moroka Municipality is based on the type and category of user, unless indicated differently.

The cost of sewerage is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

The sewerage tariff policy is set out in paragraph 11.

10.2.5 Property Rates

Currently all residents (owners or tenants) pay property rates at a flat rate, determined by the category of consumer. The Municipality is in the process of compiling a valuation roll for all properties within the municipal boundaries, to implement property rates based on property values. In applying its rates policy the council shall adhere to all the requirements of the Property Rates Act, 2004, including any regulations promulgated in terms of that Act.

The cost of property rates is subsidised for all registered indigent household consumers in accordance with the municipality's indigent policy.

11. INDIGENT PRINCIPLES

11.1 Objective

11.1.1 Because of the high level of unemployment and subsequent poverty in the municipal area, there are households which are unable to pay for normal municipal services. The determination of free basic services and/or subsidies for all registered indigents will be guided by the following principles:-

- (a) Access to basic services must be provided to all, including the indigent, in terms of the South African Constitution.
- (b) A true reflection of the indigent is vitally important.
- (c) The consumption of metered services by indigent households must be lowered to increase affordability of service charges.
- (d) Tariffs for rates and services must be made more affordable for the indigent.

11.2 Registration Criteria

11.2.1 All indigent households must be registered as such. The registration procedures will be determined by the Council from time to time.

11.2.2 The Council differentiates between the following categories of indigents:

- (a) Indigent As defined in the Municipality's FBSIS Policy.

11.3 Subsidies and Service Levels applicable to Indigent Consumers

The subsidies and service levels adopted for each service is set out below.

11.3.1 Electricity

- (a) All registered indigents will receive 50 units of electricity per month fully subsidised.
- (b) Unused free electricity units will not be carried over to the next month.
- (c) Any meter tampering will result in the subsidisation to be withdrawn.

11.3.2 Water

- (a) All registered indigents consumers will receive water fully subsidised. In the case of metered services the first 6 kilolitres of water will be fully subsidised.
- (b) In addition to the above, registered indigents may receive a further 4 kilolitres per month subject to funding being available from the equitable share.
- (c) Indigents registered as destitute indigents will automatically receive 10 kilolitres of water per month fully subsidised.

11.3.3 Sewerage

- (a) All registered destitute indigents shall be fully subsidised for sewerage levies.
- (b) All registered indigents shall be subsidised for sewerage levies as determined and provided for by the Council in the annual budget from time to time, subject to funding being available from the equitable share.

11.3.4 Refuse Removal

- (a) All registered destitute indigents shall be fully subsidised for refuse removal.
- (b) All registered indigents shall be subsidised for refuse removal as determined and provided for by the Council in the annual budget from time to time, subject to funding being available from the equitable share.

11.3.5 Property Rates

All registered indigents shall be subsidised as follow:

- (a) An indigent who owns and resides in a property which value does not exceed the exemption amount as provided for in the Property Rates Act shall be exempted from property rates.
- (b) An indigent who owns and resides in a property which value exceeds the exemption amount as provided for in the Property Rates Act as designated from time to time, shall be subsidised for property rates as determined and provided for by the Council in the annual budget, subject to funding being available from the equitable share.

11.4 Arrears

11.4.1 When a person applies for registration as an indigent and his account is in arrears, settlement of such arrears will be dealt with in accordance with the municipality's credit control and debt collection principles and measures.

11.4.2 The Council shall have the right to recover any arrear balance accrued by an indigent after deduction of the indigent subsidy.

11.5 Budgeting

11.5.1 The Council must annually budget for the total indigent subsidy to be granted as such. Such amounts must be reflected as a cost against the applicable service.

11.6 Appeal process

11.6.1 Any indigent household application which has been declined, may appeal against such decision. The process for appeal will be determined by the Council from time to time.

11.7 Offences

11.7.1 Any applicant, who misuses the indigent support provisions of the Council, provides incorrect information to the Municipality and/or tampers with the supply of services or municipal installations shall be subject to forfeiture of indigent status, criminal prosecution and any other measures, as determined by the Council from time to time.

11.8 Sundry tariffs

11.8.1 All other services offered by the Council are charged at a tariff as determined by the Council from time to time.

12. PROPERTY RATES POLICY

12.1 A municipality shall levy rates in terms of section 2(1) (3) as well as section 7 of the Municipal property rate Act 6 of 2004. The provisions of the Municipality's Property Rates Policy for the period 2017 – 2018 together with its By – Law by the same name, shall be directly applied in respect thereof.

12.2 The Municipality differentiates between the following categories of consumers:-
Residential consumers.

- (a) Non-profit organisations;
- (b) Business commercial and industrial consumers;
- (c) Agricultural; and
- (d) Government Departments

12.3 In terms of section 17(1) (e) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.

Regulations 4.2 – 4.4 herein apply similarly in this respect.

13. SHORT TITLE

This By-Law is the Tariff By-Law of the Dr JS Moroka Local Municipality

PROCLAMATION • PROKLAMASIE

PROCLAMATION 34 OF 2018

**CONDITIONS OF
ESTABLISHMENT FOR
CAROLINA**

Proposed Township:
Silobela Extension 3



Prepared by Afriplan Town and Regional Planners

February 2003

CONDITIONS OF ESTABLISHMENT

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 15 OF 1986, (CHAPTER IV, SECTION 107) ON PORTION 69 OF PORTION 59 (A PORTION OF PORTION 1) OF THE FARM CAROLINA TOWN AND TOWNLANDS NO. 43-IT, PROVINCE OF MPUMALANGA, BY THE ALBERT LUTHULI MUNICIPALITY (HEREINAFTER REFERRED TO AS THE TOWNSHIP APPLICANT) AND BEING THE REGISTERED OWNER OF THE LAND, HAS BEEN APPROVED.

1. CONDITIONS TO BE COMPLIED WITH IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986 PRIOR TO THE DECLARATION OF THE TOWNSHIP AS APPROVED TOWNSHIP

(1) MINERAL RIGHTS

The township applicant shall at its own expense cause all rights to minerals to be severed from the ownership of the land and to be reserved in a separate Certificate of Mineral Rights.

(2) GENERAL

The township applicant shall be responsible to ensure that:

- i.) The relevant Amendment Scheme in terms of Section 125 of Ordinance 15 of 1986 has been prepared and that the Amendment Scheme could be published simultaneously with the declaration of the township as approved township.
- ii.) The township applicant shall comply with the requirements of Section 72, 75 and 101 of Ordinance 15 of 1986.

2. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be Silobela Extension 3

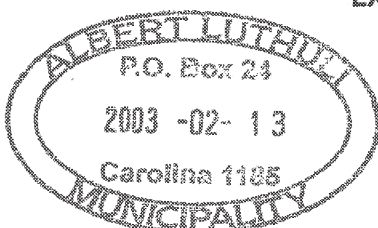
(2) LAYOUT / DESIGN

The township shall consist of erven and streets as indicated on the approved layout plan no _____

(3) ACCESS

The township applicant shall be responsible for the construction of the internal road network to the satisfaction of the local authority. The township applicant shall see to the joining of such road network to the existing road network permitting access to the township.

(4) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING MUNICIPAL SERVICES



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If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing municipal services, the cost thereof shall be borne by the township applicant.

(5) REMOVAL, REPOSITIONING, MODIFICATION OR REPLACEMENT OF EXISTING TELKOM PLANT

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing Telkom plant, the cost thereof shall be borne by the township applicant.

(6) REMOVAL, REPOSITION, MODIFICATION OR REPLACEMENT OF EXISTING ESKOM POWER LINES

If, by reason of the establishment of the township, it should become necessary to remove, reposition, modify or replace any existing power lines of ESKOM, the cost thereof shall be borne by the township applicant.

(7) LAND USE AND ZONING CONDITIONS

(a) ALL ERVEN EXCEPT PARKS AND STREETS

The use of all erven in the township save for parks and streets will be in accordance with the ruling town-planning scheme and any amendment thereof.

(b) PARKS AND STREETS

All parks and streets indicated as such on the approved General Plan will be reserved for the use of parks and streets regardless the zoning in terms of the ruling town-planning scheme.

3. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

(1) INSTALLATION AND PROVISION OF SERVICES

- (a) The township applicant shall install and provide internal engineering services to the township, to the satisfaction of the local authority.
- (b) The township applicant shall ensure that sufficient capacity of external engineering services exist to deliver the appropriate level of services to the future residents of the township, to the satisfaction of the local authority.
- (c) The township applicant shall ensure that storm water run-off is efficiently disposed of, to the satisfaction of the local authority.

(2) DEMOLITION OF BUILDINGS AND STRUCTURES

The Local Authority shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished if and when necessary.

4. CONDITIONS OF TITLE

DISPOSAL OF EXISTING CONDITIONS OF TITLE

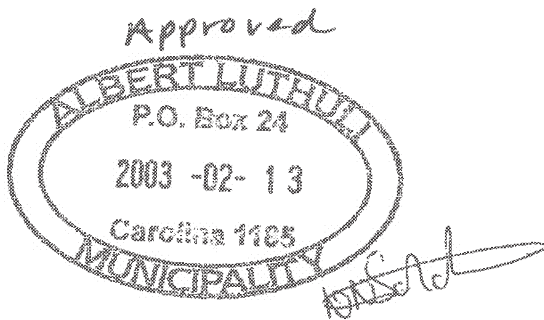


All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals and real rights.

(2) **ALL ERVEN**

The erf is subject to –

- (a) Servitude 5 meters wide along any street boundary, provided that with the written consent of the local authority such servitude may be dispensed with.
- (b) Servitude 2 meters wide along any boundary, provided that with the written consent of the local authority such servitude may be dispensed with.
- (c) No buildings or other structures shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 1 metre thereof.
- (d) The Local Authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as is, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Local Authority.



PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 108 OF 2018**NOTIFICATION REGARDING OPPORTUNITY TO PARTICIPATE IN VARIOUS ENVIRONMENTAL LICENCING PROCESSES FOR UNIVERSAL COAL'S KANGALA EXTENSION PROJECT IN THE VICTOR KHANYE LOCAL MUNICIPALITY, MPUMALANGA PROVINCE**

Notice is given in terms of Chapter 6 of the Environmental Impact Assessment (EIA) Regulations, 2014 (GN R. 982) promulgated under the National Environmental Management Act (Act 107 of 1998) (NEMA), of applications for Environmental Authorisation (EA) (i.e.: Scoping and Environmental Impact Report (S&EIR)), and Waste Management Licence (WML) for the proposed new opencast pit for the Kangala Extension Project. The EIR and Environmental Management Programme Report (EMPr) will also be used in support of a Mineral and Petroleum Resources Development Act (MPRDA, Act No. 28 of 2002) Section 102 amendment application for amendments to the existing EMPr and Mine Works Program (MWP).

A Water Use License Application (WULA) for various water uses is also being applied for in terms of the National Water Act (Act 36 of 1998).

Name of Applicant: Universal Coal Development I (hereafter referred to as UDCI)

EIMS Reference Number: 1245

Nature of Activity:

UCDI wishes to develop a new opencast coal mining operation covering an extent of 251 hectares (ha), adjacent to the existing Universal Coal's Kangala Colliery on various portions of the Farm Strydpan 243 IR - herein referred to as the Kangala Extension Project. The proposed Kangala Extension Project is anticipated to use a standard truck and shovel mining method based on strip mining design and layout. The existing Coal Handling and Processing Plant (CHPP) at the Kangala Colliery will be utilised for the proposed Kangala Extension Project. It is expected that no new surface infrastructure such as offices, dams, stores facility, workshops, or change house will be required for the project.

Location:

The project area covers portions 14, 15, 16, 18, 19, 20, 22, 23 and 24 of the farm Strydpan 243 IR located approximately 7.5km south-east of the town Delmas and 5km south-east of the town Eloff in Victor Khanye Local Municipality, within the Nkangala District Municipality, Mpumalanga Province. The geographic coordinates at the centre of the site are approximately: 26°12'35.76" S and 28°38'43.20" E.

Registration and Comment

As a potential I&AP, you are invited to register and comment on the project. Should you have any comments or concerns regarding the project, or should you require additional information, please contact EIMS telephonically, or in writing by no later than the **10th September 2018** using the contact details below. Please include the project reference number (1245) in all correspondence. Furthermore, please note that only registered I&APs will be informed of any future project information and participation opportunities.

Name and contact details of Consultant:

Environmental Impact Management Services (Pty) Ltd (EIMS)

P.O. Box 2083 Pinetown 2123

Phone: 011 789 7170 / Fax: 011 787 3059

Contact: Cheyenne Muthukarapan

Email: kangala@eims.co.za

EIMS Reference number: 1245



LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 60 OF 2018**NOTICE OF APPLICATION FOR AMENDMENT OF CONDITIONS OF ESTABLISHMENT/BUSHBUCKRIDGE LAND USE SCHEME, 2017 IN TERMS OF SECTION 33 OF THE BUSHBUCKRIDGE LAND USE MANAGEMENT BY-LAW, 2014**

I, **Queen Mdluli** being the authorised agent of the owner of Erf 78 Mkhuhlu IA Township hereby give notice in terms of Section 33 of the Bushbuckridge Land Use Management By-Law, 2014, that I have applied to the Bushbuckridge Local Municipality for the amendment of Bushbuckridge Land Use Scheme 2017 by rezoning of the Erf 78 Mkhuhlu IA Township from “Open Space” to “Industrial 1” to allow for the development of a Filling Station and Convenience Centre.

All relevant documents relating to the applications will be open for inspection during normal office hours at the office of the Chief Town Planner: Economic Development, Planning and Environment, 1st Floor, Old Bohlabela District Offices, Thulamahashe A, 1365 for a period of 28 days from 16 August 2018.

Any person who wishes to object to the applications or submit representations in respect thereof must lodge the same in writing with the said local authority at the above-mentioned address or at Private Bag X 9308, Bushbuckridge, 1280 or the applicant in writing 28 days from 16 August 2018.

Lowveld Energy, 232 Ivy Square, Albatross Road, Hazyview, 1242, Tel: 010 880 1397 : Email: q.mdluli@gmail.com

LOCAL AUTHORITY NOTICE 61 OF 2018**DECLARATION AS AN APPROVED TOWNSHIP**

The City of Mbombela declares hereby in terms of Section 103 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), White River Extension 63 to be an approved township subject to the conditions set out in the schedule hereto.

CONDITIONS UNDER WHICH THE APPLICATION MADE BY K2015433211 (SOUTH AFRICA) (PTY) LTD, REGISTRATION NUMBER 2015/433211/07 (HEREINAFTER REFERRED TO AS THE APPLICANT), IN TERMS OF THE PROVISIONS OF CHAPTER III (PART C) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 707 OF THE FARM, WHITE RIVER, 64 JU, REGISTRATION DIVISION JU, PROVINCE OF MPUMALANGA

1 CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be WHITE RIVER EXTENSION 63.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. NO. 300/2015.

1.3 ACCESS

Access to the site will be via a left-in, left-out access from the P730 (R538) Sabie Road and via a full, signalised access from the P17-7 (R40).

1.4 RECEIPT AND DISPOSAL OF STORMWATER

1.4.1 The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with all relevant roads and he shall receive and dispose of the stormwater running off or being diverted from the road.

1.4.1.1 The township owner shall submit for the Mbombela Local Municipality's approval a detailed scheme complete with plans, sections and specifications prepared by a civil engineer who is a member of SAACE for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing channelling of the streets therein together with the provisions of retaining walls as may be considered necessary by the Mbombela Local Municipality.

1.4.1.2 Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

1.4.1.3 The township owner shall carry out the approved scheme at its own expense on behalf of, and to the satisfaction of, the Mbombela Local Municipality under the supervision of a civil engineer who is a member of SAACE.

1.4.1.4 The township owner shall be responsible for the maintenance of the streets to the satisfaction of the Mbombela Local Municipality until the streets have been constructed as set out in subclause 1.4.1.1.

1.4.1.5 If the township owner fails to comply with the provisions of paragraphs 1.4.1.1, 1.4.1.2 and 1.4.1.3 hereof, the Mbombela Local Municipality shall be entitled to execute the work at the cost of the township owner.

1.5 REMOVAL AND/OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to remove, alter or replace any municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.6 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Mbombela Local Municipality, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as this responsibility is taken over by the Mbombela Local Municipality.

1.7 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Mbombela Local Municipality.

1.8 REMOVAL AND/OR REPLACEMENT OF ESKOM SERVICES

Should it become necessary to remove, alter, or replace any existing services of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.9 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove, alter, or replace any existing services of Telkom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.10 RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES

The township owner shall provide all essential services in terms of the provisions of sections 116 to 121 of Ordinance 15 of 1986 prior to the registration of any stands in the township.

1.11 PROTECTION OF STAND PEGS

The township owner shall comply with the requirements with regard to the protection of boundary pegs as determined by the Mbombela Local Municipality in this regard, when required to do so by the Mbombela Local Municipality.

1.12 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner must at his own costs demolish all existing buildings and structures that are located within building restriction areas, side spaces of common boundaries to the satisfaction of Mbombela Local Municipality.

1.13 SIGNAGE

The applicant shall at his own expense erect the required signs to the satisfaction of the Mbombela Local Municipality and the township owner shall maintain such signage in a good state of repair, until such time as his responsibility is taken over by the Mbombela Local Municipality.

1.14 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following conditions which must not be carried forward to the erven in the township, as they pertain to the former Portion 342 (portion of Portion of Portion 149) of the farm, White River, 64 JU and Portion 704 of the farm, White River, 64 JU, respectively

1.14.1 Conditions pertaining to the former Portion 342 (portion of portion 149) of the Farm White River 64 JU, which are not to be carried forward in the township conditions of establishment:

- A. Portion 4 (a portion whereof is hereby transferred) is entitled to a servitude of storage of water and abutment against the farm, "Claremont", 263, district Barberton, as will more fully appear from Grant No. 135/1920 in favour of Johannes Jacobus Steenkamp.
- B. The original Remaining Extent of Portion 1 of Portion C of the said farm, measuring 1 499.5106 hectares (a portion whereof is hereby transferred) is specially subject to the following conditions:

1. That the State shall at all times have the right, in such manner and under such conditions as it may think fit, to take water from the WHITE RIVER on which the land hereby held abuts and to construct and form dams and reservoirs thereon and to erect, make and construct telegraph and telephone lines, roads, railways, water furrows, pipeline, canals and drains upon, and conduct the same through and over the land adjoining or in the neighbourhood of the land held hereunder and to take materials therefrom for the foregoing purposes, on payment to the owners of the land, or their successors in title, such sums of money as compensation for damage or damages actually sustained, as may be mutually agreed to between the State and the said owners, or failing such agreement, as may be determined by arbitration in the manner provided by the Arbitration Ordinance, 1904 (Transvaal), for which purposes certain Lease registered in the office of the Registrar of Deeds, Pretoria, under No. 380/1916, Sett, on the 7 December 1916, together with its Amending Agreement (with diagram attached) dated the 11th day of February 1922, registered in the Office of the Registrar of Deeds, Pretoria, under No. 540/1922 on the 22nd day of September 1922, shall be deemed to be a reference to arbitration thereunder; provided that the arbitrators may set off against the loss or damage caused to the said owners the benefit, instant or prospective, which they shall or may derive in consequence of the construction of any of the said works.
2. That the owners of the land held hereunder, or their successors in title, shall have no grazing or other rights whatsoever, on or over the area known as the 'WHITE RIVER COMMONAGE' and that, since the White River Estates Limited have acquired the White River Settlement Holding No. 1 and a part or share in the White River Settlement Holding No. 61, respectively held under Deed of Transfer No. 321/1920 and No. 7991/1918, in terms of Clause 17 of the Lease No. 380/1916 Sett, referred to in Condition (1) hereinabove, all rights of grazing attaching to the said 'WHITE RIVER COMMONAGE' and that since the White River Estates Limited have acquired the White River Settlement Holding No. 1 and a part or share in the White River Settlement Holding No. 61, respectively held under Deed of Transfer No. 321/1920 and No. 7991/1918, in terms of clause 17 of the Lease No. 380/1916 Sett referred to in Condition (1) hereinabove, all rights of grazing attaching to the said "WHITE RIVER COMMONAGE" have, as far as the White River Estates Limited is concerned, lapsed and become of no further effect.
3. That the land held hereunder is entitled, together with the registered owners of Portion 2 of Portion "C" of the said farm, 'WHITE RIVER', to a perpetual reservation and servitude of storage of water and abutment in respect of the intake which feeds the existing canal out of the White River and a servitude of aqueduct in regard to the said canal in so far as Lot No. 1 White River Settlement is concerned and to a servitude of aqueduct in so far as Lot No. 61 White River Settlement is concerned, as more fully set out in Deeds of Transfer No's. 321/1920 and 7991/1918, respectively, subject to certain reservations provided for in the said Lease No. 380/1916, Sett, referred to in Conditions (1) and (4) hereinabove in favour of the said Lots No's. 1 and 61.
4. That no definite quantity of water for the use of the land held hereunder is guaranteed by the State and no responsibility is or will be accepted by the State for any loss or damage that may be sustained by the owners of the land held hereunder, or their successors in title, by reason of any diminution in the volume of water available or obtainable from the said canal for the use of the land held hereunder.
5. That the Minister of Lands or any person authorised by him shall have the right to construct a weir to gauge the flow from the said canal to the said Lot No. 61 White River Settlement, which rights shall, of course, carry the incidental rights of inspection and maintenance; and which rights have been ceded to the WHITE RIVER IRRIGATION COMPANY LIMITED, as owners of Holding 81, White River Estates (Central Section) and the Remaining Extent of Portion 2 of Portion C of White River 64, Nelspruit, measuring 37,5404 hectares as will more fully appear from Notarial Deed No. 360/1932S.
6. That the owners of the land hereunder, or their successors in title, shall be bound to indemnify the state against any action successfully raised against the state by the owners

or their successors in title of the said Lots No's 1 and 61, White River Settlement, in respect of any loss or damage sustained by them due to any neglect, default or action on the part of the said owners or their successors in title.

7. That in so far as the said canal crosses erven in the township of White River, the state undertakes not to dispose of the said erven crossed by the canal or situated within 9.45 metres of the said canal until a servitude safeguarding the rights to passage of water over the said erven has been duly registered in favour of the owners of the land held hereunder.
8. That until other arrangements are made by the state, the Minister of Lands, or his authorised representative or representatives, shall have the right to take for public purposes such water from the canal situated on the land held hereunder, as may be required.

Public purposes shall be deemed to include, inter alia, the taking of water for the domestic use of the police and their animals, of the district surgeon and his animals and of school teachers and pupils and of any transport animals used by them.

9. That the land held hereunder shall be subject to certain servitude in respect of storage water and aqueducts as more fully set out in the Agreement of Servitude registered on the 6th day of September, 1920 in the office of the Registrar of Deeds, Pretoria, under No. 7771/1920S.

Subject to the existing rights as the said owners of Portion 2 of Portion "C" of the said farm, WHITE RIVER, may have to the use of the present canal system.

And subject further to Notarial Deed No. 638/1934S, whereby a right of aqueduct was granted to the WHITE RIVER HEALTH COMMITTEE across the property conveyed for the purposes and subject to the conditions mentioned in the said Notarial Deed.

- D. The owners of the former remaining extent of Portion 35 (a portion of Portion 4) of the farm, White River 64, Registration Division JU, Transvaal, measuring 359,3593 hectares (a portion whereof is hereby transferred) is entitled to all trading rights on Portion 121 of the said farm measuring 8,9936 hectares held under Deed of Transfer 5508/52, as will more fully appear from Deed of Transfer 5508/52.
- E. The former Portion 149 (a portion of Portion 35) of the said farm (portion of which is transferred herewith) is subject to a Notarial Deed 1030/67, registered on 17 August 1967, whereby the right has been granted to the Electrical Supply Commission to convey electricity over the said property, together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed, the middle line of which servitude is represented by the line ab on diagram SG No. A3198/78, attached to T22350/1980.
- F. Die eienaar van die voormalige Resterende Gedeelte van Gedeelte 35 ('n gedeelte van gedeelte 4) van die plaas White River 64, Registrasie Afdeling JU, Transvaal groot 353,1120 hektaar ('n gedeelte waarvan hierby getranspoteer word) is geregtig tot handelsregte oor Gedeelte 130 van die gemelde plaas, groot 1,9268 hektaar, gehou by Transportakte 7054/1968, soos meer volledig sal blyk uit gemelde akte.
- G. Die voormalige Resterende Gedeelte van Gedeelte 35 ('n gedeelte van Gedeelte 4) van die plaas White River 64, Registrasie Afdeling JU, Transvaal, groot 352,2555 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is geregtig tot 'n reg van weg oor Gedeelte 141 ('n gedeelte van Gedeelte 35 (van die plaas White River 64, Registrasie Afdeling JU, Transvaal, groot 8585 vierkante meter, getranspoteer by Transportakte 9903/73, welke reg van weg aangedui word deur die figuur ABda op kaart LG No. A6173/72, geheg aan genoemde transportakte.
- H. By virtue of Deed of Transfer No. 18076/74, Portion 116 (a portion of Portion 35) of the farm White River 64, Registration Division JU, Transvaal, has been deprived of all trading rights and which trading rights are now reserved in favour of the owner of the former remaining extent of the farm, White River 64, Registration Division JU, Transvaal, measuring 343,6902 hectares (a

portion whereof is hereby transferred) as will more fully appear from clause H of the said Deed of Transfer No. 18076/74.

- I. The former remaining extent of Portion 35 (a portion of Portion 4) of the farm White River 64, Registration Division JU, Transvaal measuring 343,6902 hectares (a portion whereof is hereby transferred) is entitled to a servitude of right of way 6.30 metres wide over Portion 116 (a portion of Portion 35) of the said farm, measuring 8,5653 hectares, held under Deed of Transfer No. 18077/74, as will more fully appear from clause G of the said title.
- K. Die voormalige Resterende Gedeelte van die gemelde plaas (waarvan die eiendom hierkragtens oorgedra, deel vorm) is onderhewig aan EX604/1993 waarkragtens \pm 1,0532 hektaar vir 'n openbare pad deur die Transvaalse Provinsiale Administrasie (paaie) onteien is.

1.14.2 The following conditions of title must be carried forward to the erven in the township.

Conditions of title pertaining to the former Portion 342 (a portion of portion 149) of the Farm White River 64 JU which must be carried forward in the title conditions of erven to be established within the township:

- C. The former Portion 149 (a portion of Portion 35) of the said farm (portion of which is transferred herewith) is subject to Notarial Deed 215/56S registered on 29 February 1956, whereby the right has been granted to the Town Council of Nelspruit to convey electricity over the said property together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed, the middle line of which servitude is represented by the line ab on the attached diagram - which only affects Erven 2846, 2848 and 2849.
- J. Die voormalige Gedeelte 149 (van dieselfde plaas waarvan 'n gedeelte hiermee getranspoteer word) is kragtens K1351/83S onderhewig aan 'n ewigdurende serwituut van waterleiding 4 (vier) meter wyd, ten opsigte van waterpyp met 'n deursnee van 250 (twee honderd en vyftig) millimetre ten gunste van die Stadsraad van Witrivier – which only affects Erven 2846, 2847, 2849, and a portion of Street.

1.14.3 Conditions pertaining to the former Portion 704 of the Farm White River 64 JU, which are not to be carried forward in the township conditions of establishment:

- A. Conditions A, B(1) to (9), D, E, F, G, H and I more fully described in Paragraph 12.14.1 hereof.
- D. Die eiendom hierkragtens getranspoteer te word (hierinlater na verwys as die DIENENDE EIENDOM) is ONDERHEWIG aan die volgende serwitute:
 1. 'n SERWITUUT VAN OPDAMMING ten gunste van die RESTERENDE GEDEELTE van GEDEELTE 149 van die plaas White River 64, Registrasie Afdeling JU, Provinsie Mpumalanga, groot 8,6385 hektaar (die HEERSENDE EIENDOM), gehou kragtens Akte van Transport T22350/1980, wat die geregistreerde eienaar van die HEERSENDE EIENDOM, of sy opvolgers in titel, die reg sal gee:
 - a. Om 'n pomptoestel, pomphuis, pyplyn en toebehorende werke op te rig te 'n boorgat gesink te word op 'n plek op die DIENENDE EIENDOM soos tussen die eienaars van die betrokke twee eiendomme onderling ooreengekom te word;
 - b. Om sodanige stappe te neem vir die beskerming, bewaring, herstel en onderhoud van die voornoemde boorgat, met toebehore, as wat nodig mag wees om sy onbelemmerde funksie as 'n boorgat te verseker.

2. 'n SERWITUUT VAN WATERLEIDING oor 'n strook grond, een (1) meter breed, wat die eienaar van die voormelde HEERSENDE EIENDOM, of sy opvolgers in titel, in staat sal stel om water vanaf die genoemde boorgat oor die DIENENDE EIENDOM na die HEERSENDE EIENDOM te lei by wyse van 'n ondergrondse pyplyn, die aard, ligging en roete van welke pyplyn sal wees soos deur die eienaars van die betrokke twee eiendomme onderling bepaal te word.

E. 'n SERWITUUT VAN REG VAN WEG ten gunste van die RESTERENDE GEDEELTE van GEDEELTE 149 van die plaas WHITE RIVER 64, Registrasie Afdeling JU, Provinsie Mpumalanga, groot 8,6385 hektaar (die HEERSENDE EIENDOM), gehou kragtens Akte van Transport T22350/1980, oor die DIENENDE EIENDOM, welke reg van weg ses (6) meter breed sal wees en sal loop vanaf die suidwestelike grens van die dienende eiendom gemerk EFG op voormelde Kaart LG Nr. 2591/2000 na die oostelike grens van die DIENENDE EIENDOM gemerk BCD op voormelde Kaart LG Nr. 2591/2000 langs 'n roete deur die eienaars van die twee betrokke eiendomme onderling ooreengekom te word;

G. Die binne gemelde eiendom is geregtig op die volgende

- a) 1. 'n Serwituut van opdamming.
2. 'n Serwituut van waterleiding oor 'n strook grond, een (1) meter breed.
- b) 'n Serwituut van Reg van Weg, 6 (ses) meter breed vanaf die suidwestelike grens van die dienende eiendom oor Gedeelte 340 ('n gedeelte van Gedeelte 149) van die plaas, White River 64, Registrasie Afdeling JU, Provinsie van Mpumalanga, groot 5.0546 hektaar, gehou onder T41010/2002.

F. Kragtens Notariële Akte K160/1989 gedateer 9 Augustus 1988 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende reg ten gunste van die Stadsraad van Witrivier om elektrisiteit daaroor te lei deur middle van een transmissielyn, soos meer volledig sal blyk uit gemelde Notariële Akte.

1.14.4 Conditions of title pertaining to the former Portion 704 of the Farm White River 64 JU which must be carried forward in the title conditions of erven to be established within the township:

A. Conditions C and J more fully described in Paragraph 12.14.2 hereof.

B. Die voormalige gedeelte 149 van dieselfde plaas (waarvan die gedeelte hiermee getranspoteer deel vorm) is kragtens K3505/84S onderhewig aan 'n ewigdurende serwituut van waterleiding 3 (drie) meter wyd ten opsigte van 'n waterpyp met 'n deursnee van 250 (Tweehonderd en Vyftig) millimetre ten gunste van die Stadsraad van Witrivier. - which only affects Erven 2846, 2847 and 2849, and a Portion of the Street.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AS LAID DOWN BY THE MBOMBELA LOCAL MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1 CONDITIONS APPLICABLE TO ALL ERVEN

2.1.1 The erven are subject to a servitude 2m wide in favour of the City of Mbombela, for sewerage and other municipal purposes along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the City of Mbombela provided that the City of Mbombela may dispense with any such servitude.

2.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

2.1.3 The City of Mbombela shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area such material as may be excavated by it during the course of construction, maintenance or removal of such sewerage mains and other works as it, at its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made by the City of Mbombela.

3. CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE NELSPRUIT TOWN PLANNING SCHEME, IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986.

3.1 ALL ERVEN

The erf is situated in an area that has soil conditions that could detrimentally effect buildings and structures and be the cause of damage. Building plans which are submitted to the City of Mbombela for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the City of Mbombela that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

WHITE RIVER AMENDMENT SCHEME 2011

The City of Mbombela hereby in terms of the provisions of Section 125 of the Town-Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the White River Town-Planning Scheme 1984, comprising of the same land as included in the Township of White River Extension 63.

Map 3 and the scheme clauses of the amendment scheme are filed with the office of the Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times.

This amendment is known as the White River Amendment Scheme 2011 shall come into operation on date of publication hereof.

A copy of this notice will be provided in Afrikaans or Siswati to anyone requesting such in writing within 30 days of this notice.

Acting Municipal Manager
Mr Neil Diamond
No 1 Nel Street
Civic Centre
Nelspruit
1200

LOCAL AUTHORITY NOTICE 62 OF 2018**VICTOR KHANYE LOCAL MUNICIPALITY
DELMAS AMENDMENT SCHEME 132/2007**

It is hereby notified in terms of the provisions of Section 57(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with the Spatial Planning and Land Use Management Act, 2013, that the Victor Khanye Local Municipality have approved the amendment of the Delmas Town Planning Scheme, 2007, by the rezoning of Holding 30, Sundale Agricultural Holdings (excised – known as Portion 114 of the farm Droogfontein 242-IR) from “Agricultural” to “Agricultural”, for an abattoir restricted to 100 m² and a maximum of 5 livestock permitted on site for slaughtering purposes at any given time, subject to certain restrictive measures.

Map 3 and the scheme clauses of the amendment schemes are filed with the Municipal Manager of the Victor Khanye Local Municipality and the Department Co-Operative Governance and Traditional Affairs, Nelspruit.

This amendment scheme is known as Delmas Amendment Scheme 132/2007 and shall come into operation on date of publication of this notice.

L Zwane, Acting Municipal Manager, Victor Khanye Local Municipality, PO Box 6, Delmas, 2210
(Ref No. HS2353)

LOCAL AUTHORITY NOTICE 63 OF 2018

THE EMALAHLENI LOCAL MUNICIPALITY

Credit Control and Debt Collection By-Law



2018/2019

THE EMALAHLENI LOCAL MUNICIPALITY CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

[DATE OF Commencement: 1 July 2018]

By-law

To give effect to the implementation of the EMALAHLENI LOCAL MUNICIPALITY's Credit Control and Debt Collection Policy and to provide for matters incidental thereto.

Preamble

WHEREAS the EMALAHLENI LOCAL MUNICIPALITY has adopted a Credit Control and Debt Collection Policy on the 31 of May 2018; AND WHEREAS section 98 of the Local Government: Municipal Systems Act, 2000(Act 32 of 2000), requires a municipal council to adopt by-laws to give effect to the municipality's credit control and debt collection policy; BE IT THEREFORE ENACTED by the Council of the EMALAHLENI LOCAL MUNICIPALITY, as follows:

1. Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these by-laws, and unless the context indicates otherwise-

"**Act**" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended from time to time;

"**Council**" means the Council of the EMALAHLENI LOCAL MUNICIPALITY; and

"**rate**" or "**rates**" means a rate on property and or services as approved by council.

2. Objective of the By-law

The objective of this by-law is to –

- I. Ensure that all monies due and payable to the Council are collected;
- II. Provide for customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- III. Provide for indigents in a way that is consistent with rates and tariff policies and any national policy on indigents;
- IV. Provide for extension of time for payment of accounts;
- V. Provide for charging of interest on arrears, where appropriate;
- VI. Provide for termination of services or the restriction of the provision of services when payments are in the arrears; and

- VII. Provide for matters relating to unauthorized consumption of services, theft and damages

3. Application of By-law

This by-law shall only apply to money due and payable to the Council and municipal entity in respect of which the municipality is the parent municipality for -

- a. Assessment rates and taxes levied on the property
- b. Fees, surcharges on fees, charges and tariffs in respect of municipal services such as –
 - I. provision of water;
 - II. refuse removal;
 - III. sewerage;
 - IV. removal and purification of sewerage;
 - V. electricity consumption;
 - VI. municipal services provided through prepaid meters;
 - VII. all other related costs for services rendered in terms of the property;
 - VIII. interest which has accrued or will accrue in respect of money due and payable to the Council;
 - IX. surcharges; and
 - X. collection charges in those cases where the Council is responsible for;
 - (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
 - (bb) the recovery of amounts due and payable in respect thereof. Irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

4. Short title and commencement

This by-law is the Credit Control and Debt collection By-Law of the EMALAHLENI LOCAL MUNICIPALITY, and takes effect on 1 July 2018

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