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NOTICE RELATING TO THE REPEAL OF BY-LAWS

Whereas the Knysna Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996.

And whereas the Municipality has the right to regulate matters within its jurisdiction through the enactment, review, amendment and/or repeal of By-Laws

Be it therefor enacted by the Knysna Municipality as follows:—

That the By-Laws listed in the Schedule be hereby repealed.

Schedule

1. BY-LAW RELATING TO THE CONTROL OF ACCOMODATION ESTABLISHMENTS ON PROPERTIES ZONED FOR SINGLE RESIDENTIAL PURPOSES published in the Provincial Gazette of 10 October 2003
2. RATES BY-LAW published in the Provincial Gazette 17 October 2008

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(Notice: 21862/2010)

25 June 2010

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KNYSNA MUNICIPALITY

BYLAW RELATING TO THE CLOSURE AND DIVERSION OF PUBLIC STREETS AND PUBLIC PLACES

To regulate the closure of streets and public places

1 Definitions

In this bylaw, unless inconsistent with the context—

“**diversion**” also includes the use of alternative routes as a result of converting certain roads into one-ways,

“**Mayor**” means the mayor of the municipality;

“**municipal manager**” means the official appointed by the council of the municipality in terms of section 82 of the Local Government: Structures Act (Act 117 of 1998);

“**public street**” means any street or road of which the ownership vests in the municipality in terms of applicable legislation, or a street or road that is privately owned but to which the public has access, and;

“**public place**” means any public place of which the ownership vests in the municipality and declared as such in terms of applicable legislation.

2 Permanent closure or diversion of public streets and public places

(1) The Council may, by notice in the Provincial Gazette, permanently close or permanently divert traffic from any public street or public place or any portion of any such street or place within its municipal area.

(2) When the Council intends to act in terms of subsection (1), the municipal manager shall—

- (a) publish the intention to do so in a manner that allows the public an opportunity to make presentations with regard to the proposed closure or diversion;
- (b) serve copies of the publication contemplated by paragraph (a) on the owners of all immovable property abutting on the public street, public place or portion thereof which the Council proposes to close or divert not less than twenty-one days before the date by which objections are required to be lodged in accordance with publication, and
- (c) if any objections are lodged in accordance with such publication—

- (i) transmit all such objections to the Council together with apposite comments thereon and a copy of such publication, and
- (ii) obtain the Council's approval to continue with the intention as published in terms of subsection (1), and
- (iii) obtain the Provincial authority's consent to act in terms of subsection (1), to the extent that it may be required in terms of other legislation.

(3) Provided that the Council has made provision in the budget for the expenditure, it may, when authorising any closure or diversion in terms of this section, direct the municipal manager to pay compensation in an appropriate amount to any person considered to be prejudiced by such permanent closure or—diversion.

(4) The ownership of the land comprised in any public street, public place or portion thereof closed in terms of this section shall, continue to vest in the municipality.

3 Closure of public streets and public places in cases where ownership does not vest with the municipality

In cases where public streets and public places have been declared as such in terms of applicable legislation, but ownership does not vest in the municipality, the Mayor will enter into a process of negotiation with the owners of such public streets and places before proceedings in terms of section 2 may be commenced.

4 Temporary closure and diversion of traffic from public streets and public places

The municipal manager may, without complying with the provisions of section 2(1)—

- (a) authorise the temporary closure of a public street or public place—
 - (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street or place;
 - (iii) if such street or place is, in the opinion of the municipal manager, in a state dangerous to traffic;
 - (iv) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measure for the control of traffic or special provision for the accommodation of crowds, or
 - (v) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of such street or place necessary or desirable, and
- (b) temporarily divert the traffic from a public street which has been closed in terms of paragraph (a).

5 Operative Date

This By-law shall take effect upon publication in the Provincial Gazette

25 June 2010

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KNYSNA MUNICIPALITY

RATES BY-LAW

Whereas Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) requires a municipality to adopt by-laws to give effect to the implementation of its rates policy.

Now therefor the Municipal Council of Knysna Municipality approves and adopts the following rates by-law.

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 (No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise—

“**act**” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

“**municipality**” means the municipal council for the municipal area of Knysna

2. Rating of property

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to—

- (a) Section 229 and other applicable provisions of the Constitution
- (b) The provisions of the Act
- (c) The municipality's rates policy; and
- (d) This by-law

3. General principles

- (1) Rates are levied as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll
- (2) Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- (3) Different rates will be levied for different categories of rateable property.
- (4) Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- (5) All ratepayers with similar properties will, as a general rule, be treated the same, but the Municipality may differentiate between different categories of owners and allow for exemptions, rebates and reductions, based on the criteria set out in its Rates Policy .
- (6) Rates will be based on the value of all rateable property and taking into consideration the Municipality's financial needs.

4. Categories of properties and owners

- (1) In terms of Section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- (2) In terms of sections 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- (3) The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality's rates policy and adjusted annually, if needed, during the budget process.

5. Properties used for multiple purposes

Rates on properties used for multiple purposes will be determined by:—

- (a) the permitted use of the property; or
- (b) the dominant use of the property; or
- (c) by apportioning the market value of the property to the different purposes for which the property is used.

6. Differential rating

- (1) Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to—
 - (a) The use of the property.
 - (b) Permitted use of the property; or
 - (c) Geographical area in which the property is situated.
- (2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category and/or by way of reductions and rebates

7. Criteria for exemptions, reductions and rebates

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to—

- (a) indigent status of the owner of a property
- (b) sources of income of the owner of a property
- (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) fire damage, flood damage , accidental destruction
- (d) owners of residential properties with a market value below a determined threshold; or
- (e) owners of agricultural properties who are bona fide farmers

8. Exemptions

Over and above the exemptions provided for in sections 16 and 17 of the Act the Municipality may exempt specific categories of property as indicated in its Rates Policy from time to time.

9. Rebates

The municipality may grant rebates within the meaning of section 15(1)(b) of the Act on rates to the owners of properties as set out in its Rates Policy and subject to the criteria and conditions determined by Council from time to time.

10. Reductions

- (1) A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act may be granted where the value of a property is affected by:
 - (i) a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002) ; or
 - (ii) fire damage, flood damage , accidental destruction
- (2) The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.

11. Rates increases and decreases

- (1) The municipality will consider increasing or decreasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- (2) All increases and decreases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

12. Notification of rates

The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.

13. Payment of rates

- (1) Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments.
- (2) If the owner of property that is subject to rates, notify the municipal manager or his/her nominee not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.
- (3) Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated and charged at prime lending rate plus one percent as determined by the South African Reserve Bank from time to time.
- (4) If a property owner who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the Municipality.
- (5) Arrears rates shall also be recoverable from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- (6) 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.
- (7) 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.

14. Short title

This by-law is the Knysna Municipality Rates By-law.

15. Commencement

This by-law comes into force and effect on 1 July 2010 and replaces all other Rates by-laws previously enacted.

