



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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DEPARTMENT OF HEALTH

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Government Printing Works

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- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 17 OF 2016

MATATIELE LOCAL MUNICIPALITY



PROPERTY RATES BY-LAW

MATATIELE LOCAL MUNICIPALITY**PROPERTY RATES BY-LAW****GENERAL INDEX**

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MATATIELE LOCAL MUNICIPALITY

PROPERTY RATES BY-LAW

Whereas section 156 (2) of the Constitution empowers a municipality to make and administer by-laws for the effective administration of matters which it has the right to administer and 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 therefore the Municipal Council of **Matatiele Local Municipality** approves and adopts the following Rates By-Law.

1. Definitions:

For the purpose of this by-law any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and the Rates Policy adopted and implemented in terms thereof shall bear the same meaning in this by-law, 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 Matatiele**

“**rates policy**” means the policy adopted and implemented by the council in terms of section 3 of the act.

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 to balance the operating budget after taking into account the profits generated on trading and economic services and the amounts required to finance the exemptions, rebates and reductions as approved by council are levied as an amount in the Rand based on the market value of all rateable property contained in the municipality's valuation roll.

PROPERTY RATES BY-LAW

- (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 be treated the same.
- (6) The financial ability of a person to pay rates will be taken into account.
- (7) Provision may be made for the promotion of local social development and sustainable local government.
- (8) The rate imposed by council will be equitable, affordable, sustainable and cost effective
- (9) Property rates will be used to finance subsidised and community services only.
- (10) Take into account the effect of rates on the poor.
- (11) The cost and benefit of exemptions, rebates, reductions, and phasing –in of rates must be identified and qualified.
- (12) The effect of rates on public benefit organisations must be taken into account.
- (13) Promote local and social economic development.

4. Classification of services and expenditure:

- (1) The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Executive Mayor or Committee and principles contained in the Rates Policy will classify services, categorise expenditure and create cost centres to prevent that property rates subsidise trading and economic services
- (2) Trading and economic services will be ringfenced and financed from service charges while community and subsidised services will be financed from rates, rates related income and regulatory fees. Surpluses on the trading and economic services may be transferred to subsidise the community and subsidised services.

5. 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 may be adjusted annually, if required, during the budget process.

6. Properties used for multiple purposes:

Rates on properties used for multiple purposes will be levied on properties used for-

- (a) a purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- (b) a purpose corresponding with the dominant (main or primary) use of the property; or

- (c) by apportioning the market value of a property to the different purposes for which the property is used. *If the market value of the property can be apportioned each portion must be categorized according to its individual use. If the market value of the property cannot be apportioned to its various use purposes, then such a property must be categorised as either (a) or (b) above ; and*
- (d) applying the relevant cent amount in the rand to the corresponding apportioned market value.

7. 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.
 - (d) The nature of the property, including its sensitivity for rating
 - (e) Promotion of social and economic development of the municipality.
- (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

8. 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. any other serious adverse social or economic conditions;
- (d) owners of residential properties with a market value below a determined threshold
- (e) owners temporarily without income
- (f) the services provided to the community by public service organisations
- (g) the need to preserve the cultural heritage of the local community
- (h) the need to accommodate indigents, less affluent pensioners and people depending on social grants for their livelihood.
- (i) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services, they produce
- (j) the value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities. ; or
- (k) owners of agricultural properties who are *bona fide* farmers
- (l) owners of agricultural properties who are not bona fide farmers, (Rural Lifestyle)
- (m) owners of game farms
- (n) owners of eco –tourism farms
- (o) the requirements of the Act

9. Impermissible Rates:

The municipality may not levy rates on categories of property and categories of owners of property as determined in sections 16(1) & 17(1) of the Act.

10. Exemptions:**Categories of properties:**

- (1) Over and above the exemptions provided for in paragraph 9 above, specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of section 15(1)(a) of the Act and 9(2) to 9(7) of this by-law.

Description of category of property	Criteria
Municipal properties	10(2)
Residential properties	10(3)
Cemeteries and Crematoriums	10(4)
Public Benefit organisations	10(6)
Museums	10(7)
National Monuments	10(8)
A right registered against immovable Property	10(9)

- (2) Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.

- (3) All residential properties (including informal settlements) with a market value of less than an amount annually determined by council will be exempted from paying rates.

The R 15 000 impermissible rates contemplated in terms of section 17 (1) (h) of the Property Rates Act is included in the amount.

This is an important part of the council's indigent policy and is aimed primarily at alleviating poverty.

- (4) Cemeteries and crematoriums registered in the names of private persons and operated not for gain.
- (5) Public benefit organisations as provided for in the Rates Policy may apply for the exemption of property rates subject to producing a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962):
- (6) Registered Museums
- (7) Registered National monuments
- (8) A right registered in the deeds office against immovable property
- (9) Exemptions will be subject to the following conditions:
- all applications must be addressed in writing to the municipality;
 - all applications must be completed on the prescribed application form
 - a SARS tax exemption certificate must be attached to all applicable applications;
 - the municipal manager or his/her nominee must approve all applications;
 - applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought or as otherwise determined by the municipal manager; and
 - the municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

11. Rebates:**(1) Categories of properties**

- (a) The municipality may grant rebates within the meaning of section 15(1)(b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 10(1)(b) to 10(1)(f) of this by-law:

Description of category of property	Criteria
(a) Residential	11(1)(d)
(b) Industrial	11(1)(b)
(c) Business/commercial	11(1)(b)
(d) Agricultural: farming/Eco tourism/game farming & -hunting	11(1)(e)
(f) Property below a prescribed valuation level	11(1)(f)

- (b) The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy.
- i. The following criteria will apply:
- job creation in the municipal area;
 - social upliftment of the local community; and
 - creation of infrastructure for the benefit of the community.
- ii. Rebates will be granted on application subject to:
- a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
 - a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
 - an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
 - a municipal resolution.
- (c) Residential properties
- used predominantly for residential purposes, with not more than two dwelling units per property,
 - registered in terms of the Sectional Title Act,
 - owned by a share-block company,
 - a rateable residence on property used for or related to educational purposes
- (d) Agricultural property rebate:
- Agricultural properties use for farming, eco-tourism, game farming & -hunting may be granted a rebate based on certain

applicable information in an affidavit by 30 September each year, or as otherwise determined by the Municipal Manager.

- ii. Qualifying requirements are that the owner should be taxed by SARS as a ***bona fide*** farmer and the last tax assessment must be attached to the prescribed application form as proof.
- iii. The following rebate ratio will apply:
The rate ratio that the Minister for Provincial and Local Government in concurrence with the Minister of Finance from time to time may determine and publish in the *Government Gazette*

(e) Properties with a market value below a prescribed value level may, instead of a rate determined on the market value, be levied a uniform fixed amount per property.

(2) **Categories of owners:**

- (a) The following categories of owners of rateable properties may be granted a rebate on rates within the municipality within the meaning of section 15(1) (b) of the Act:

Description of Category of Owners	Criteria
Retired and disabled persons	10(2)(b)
Owners temporarily without income	10 (2) (c)
Public benefit organisations	10(2) (d)

- (b) Criteria for granting rebates to category of owners
 - i. Retired and Disabled Persons Rate Rebate
To qualify for the rebate a property owner must:
 - a. occupy the property as his/her normal residence;
 - b. be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
 - c. be in receipt of a total monthly income from all sources (including income of spouses of owner) not exceeding the amount annually set by the council
 - d. not be the owner of more than one property; and provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
 - ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
 - iii. Applications must be accompanied by-
 - a. a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - b. sufficient proof of income of the owner and his/her spouse;
 - c. an affidavit from the owner;
 - d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.

- iv. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought, or as otherwise determined by the municipal manager.
- v. The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

(c) Owners who are temporarily without income due to economic/labour circumstances or for reasons beyond their control. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought. The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false

(d) Owners of rateable property registered in the name of institutions or organisations, which in the opinion of the council, performs welfare, charitable and humanitarian work; cultural work; amateur sport and social activities; protect or maintain collections or buildings of historical or cultural interest, including art galleries, archives and libraries; conservation; environment and social welfare; education and development; health care; agricultural (Experimental farms); municipal property and usage where the council is engaged in land sales transactions which take place after the financial year has started; where the municipality register a road reserve or servitude on a privately owned property a pro-rata rebate equal to the value of the reserve or servitude will be given to the owner; state hospitals, clinics and institutions for mentally ill persons, which are not performed for gain. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought, or as otherwise determined by the municipal manager. The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false

12. Reductions:

(1) Categories of property and owners

- (a) A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will 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. any other serious adverse social or economic conditions
- (b) The reduction will be in relation to the certificate issued for this purpose by the municipal valuer
- (c) All categories of owners can apply for a reduction in the rates payable as described above
- (d) Owners of the following categories of rateable property situated within the municipality may be granted a reduction within the meaning of section 15(1) (b) of the Act on the rates payable in respect of their properties and subject to the conditions contained in 12(1)(e) of this by-law:

Description of category of property	Criteria
(a) Residential	12(1)(e)
(b) Industrial	12(1)(e)
(c) Business	12(1)(e)
(d) Agricultural	12(1)(e)
(e) state-owned properties	12(1)(e)
(f) Municipal properties	12(1)(e)
(g) Informal settlements	12(1)(e)
(h) Properties -	
(i) Acquired through the Provision of Land Assistance Act, 1993, or the Restitution of Land Rights Act, 1994, or	12(1)(e)
(ii) which is subject to the Communal Property Associations Act, 1996	12(1)(e)
(i) Protected areas	12(1)(e)
(j) National monuments	12(1)(e)
(k) Public benefit organizations (Part 1 of the Ninth Schedule to the Income Tax Act)	12(1)(e)
(l) Multiple purposes	12(1)(e)
(m) Private towns serviced by the developers	12(1)(e)
(n) private towns serviced and maintained by the developers	12(1)(e)

(e) Criteria for granting reductions

- i. A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolition or floods.
- ii. The reduction will be in relation to the certificate

issued for this purpose by the municipal valuer.

13. Cost of exemptions, rebates & reductions:

- The Chief financial Officer must inform the council of all the costs associated with the exemptions, rebates & reductions.
- Provisions must be made in the operating budget for the full potential income associated with property rates, and the full cost of the exemptions, rebates & reductions. A list of all exemptions, rebates & reductions must be tabled before council.

14. Phasing-in of certain rates:

- Rates levied on newly rateable property must be phased in over a three year period, the MEC for Local Government may extend, on written request by the municipality, this period to a maximum of six financial years. When extending the period the MEC must determine the minimum phasing-in discount on the rate payable during each financial year in the extended period.

15. Rates increases:

- (1) The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- (2) Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- (3) Relating to community and subsidised services the following annual adjustments will be made:
 - (a) All salary and wage increases as agreed at the South African Local Government Bargaining Council
 - (b) An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
 - (c) Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- (4) Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- (5) Affordability of rates to ratepayers.
- (6) All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

16. Notification of rates:

- (1) 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.
- (2) A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places provide for in legislation, council's resolutions, the Provincial Gazette and the council's web site

17. Payment of rates:

- (1) Ratepayers may, by special written arrangements with the council, choose to pay rates annually in one instalment on or before 30 September, normally the rates will be payable in twelve equal instalments on or before the tenth day of the month following on the month in which it becomes payable.
- (2) The municipality must furnish each person liable for rates with a detailed account as set out in section 27 of the Act.
- (3) 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 credit control, debt collection and indigent policy of the municipality.
- (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) Joint owners are jointly and severally liable for the amount due for rates. In the case of agricultural property the rates due will be recovered as stipulated in the council's Rates Policy

- (6) Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- (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.
- (8) In addition, where the error occurred because of false 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.

18. Deferral of payment of rates liabilities:

- The municipality will consider each application for deferral of rates, taking into account the merits and demerits of each and the financial implications thereof in so far as the cash-flow of the municipality is concerned

19. Special rating area:

- The municipality may by council resolution, after consultation with the local community to obtain the majority's consent, determine an area within its boundaries as a special rating area for the purpose of raising funds for improving or upgrading that area; and differentiate between categories of property when levying an additional rate.
- The municipality must determine the boundaries and indicate how the area is to be improved by the additional rates. Establish a separate accounting and record-keeping system regarding the income & expenditure.
- The municipality may establish a committee representing the community to act as a consultative and advisory forum. Representivity, including gender must be taken into account when establishing such a committee.

20. Interim Valuation Debits:

- In the event that a property has been transferred to a new owner and an Interim Valuation took place, the previous owner as well as the new owner will jointly and separately be held responsible for the outstanding amount due for rates.

21. Ownership:

- Properties which vests in the municipality during developments, i.e. open spaces and roads should be transferred at the cost of the developer to the municipality. Until such time, rates levied will be for the account of the developer.

22. Rates Clearance Certificate:

- Rates clearance certificates will be valid until 30 June of a financial year, if monies is paid in full until such date. However, should a request to extend the certificate for 120 days beyond this date be received and this extension surpasses the date of 30 June, the new Year's rates become payable in full.

23. Sectional Title Schemes:

- A rate on property which is subject to a sectional title scheme, will be levied on the individual sectional title units in the scheme.

24. General and Supplementary valuations:

- A municipality intending to levy a rate on property must cause a general valuation based on the market value of the property to be made on all properties, and prepare a valuation roll in terms of such valuation.
- The municipality shall prepare a new general valuation roll of all properties every (4) four years and a supplementary valuation roll annually. If the municipality does not intend to levy rates on its own properties, public infrastructure in the name of the municipality, on rights in properties and properties of which it is impossible or unreasonably difficult to establish the market value because of legal insecure tenure resulting from past racial discrimination, the municipality is not obliged to value such property.
- The General valuation roll takes effect from the start of the financial year following completion of the public inspection period and remains valid for that financial year or for one or more subsequent financial years, as the municipality may decide, but in total not for more than 4 (four) financial years.
- The Supplementary Valuation roll takes effect on the first day of the month following the completion of the public inspection period required in terms of section 49 of the Act and remains valid for the duration of the current general valuation roll.

25. Disregarded items for valuation purposes:

- The items described in section 45(3) of the Act must not be taken into account in determining the market value of the property.

26. Short title:

- This By-Law is the Property Rates By-law of the Matatiele Local Municipality.

27. Commencement:

- This By-Law comes into force and effect on 11 May 2016.

NOTICE 18 OF 2016

MATATIELE
LOCAL MUNICIPALITY



AERODROME BY-LAW

AERODROME BY-LAW

MATATIELE LOCAL MUNICIPALITY
AERODROME BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Matatiele Local Municipality, enacts as follows:-

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1. Interpretation

In this by-law, unless the context otherwise indicates -

Act” means the Aviation Act, Act 74 of 1962;

"Air Navigation Regulations" means the Civil Aviation Regulations, 1997, published under Government Notice R. 1219, dated 26th September, 1997, as amended from time to time, or any regulations by which the same have been duly replaced;

"aerodrome" has the meaning assigned to it in the Aviation Act. 1962 (Act 74 of 1962), and in this by-law refers to the Matatiele Local Municipal Aerodrome; "Council" means the Matatiele Local Municipal Council; "manager" means the person for the time being in charge of the aerodrome and includes any other person who is authorised to act on his or her behalf; "municipality" means the Municipality of Matatiele, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised

agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"landing field" means the area comprising the runways and other prepared ways for the passage of aircraft on the ground, aprons and all the land surrounding that area enclosed by a fence;

"public enclosures" means demarcated areas within the aerodrome set aside by the Council from time to time for use by members of the public other than persons flying in aircraft, and for the parking of vehicles;

"runway" means a defined rectangular area prepared or constructed for the landing and take-off run of aircraft along its length;

"taxiway" means a defined path on the aerodrome for the use of taxiing aircraft whether such path is constructed or not.

2. Purpose of by-laws

The purpose of this by-law is to provide for the control of all aerodromes within the municipal area of Matatiele Local Municipality.

3. Regulations of Aviation Act, Act 74 of 1962 and agreements applicable

This by-law must be read with, and the application thereof is subject to the Aviation Act, 1962 (Act 74 of 1962), as amended, any regulations made there-under, and any agreement entered into between the municipality and any holder of an operator's licence and nothing in this by-law must be taken as purporting to contradict or derogate from the control of the aerodrome in accordance with the Aviation Act, Act 74 of 1962, the regulations or any such agreement.

4. Agreements

The municipality may enter into a written agreement with any party regarding the use of any aerodrome of which it is the licence holder.

5. Aerodrome hours

The municipality may determine the hours during which the aerodrome may be used.

6. Arrivals and departure of aircraft

The pilot and every other person for the time being in charge or control of an aircraft must ensure that adequate precautions have been taken to keep unauthorized persons at a safe distance from all aircraft before any of its engines is started and while any engine is running.

7. Tariffs

Subject to any agreement referred to in section 3 the municipality may levy tariffs for the use of any aerodrome.

8. Access to landing field

- (1) No person may enter or be on the landing field except the following:
- (a) Pilots and crew of aircraft based at or using the aerodrome in the course of their duties connected with the aircraft;
 - (b) technical, mechanical and servicing personnel going to or from aircraft in pursuance of their official duties connected therewith;
 - (c) pupil pilots going to or from aircraft for purposes of instruction or practice;
 - (d) members of the aerodrome's ground staff on duty, and other aerodrome officials authorized by the Manager;
 - (e) aircraft passengers, as long as they are passing directly between their aircraft and the public enclosures, or otherwise moving under the directions of the Manager or his staff; and
 - (f) any person not previously specified in this section having express authority from the Manager to enter the landing field.
- (2) A person who enters or is on the landing field in contravention of subsection (1) commits an offence.

9. Regulation or prohibition of vehicular traffic and pedestrians

(1) Motor cars and other vehicles may, in the absence of any special direction given by the Manager, only be parked in areas designated for that purpose by notices and within any lines which may be marked on the surface of any such area or as directed by the Manager or his or her nominee, however this subsection does not apply to any officer of the municipality employed at the aerodrome while acting in the course of his or her official duties.

(2) The Manager may at any time without previous notice, and either permanently or for such period as he or she may determine, prohibit or restrict in such manner as he or she may deem necessary the admission of persons or vehicles to the aerodrome or any particular part thereof.

(3) The Manager may, if it is deemed necessary for the proper control of the aerodrome, direct the person in lawful charge of a vehicle which is parked on the aerodrome to move the vehicle -

- (a) to another place on the aerodrome indicated by the Manager;
- or
- (b) from the aerodrome;

and if such person refuses or fails or is not present to comply forthwith such direction the Manager or a member of the police may have that vehicle moved to such other place or from the aerodrome and any such action by the Manager or a member of the police does not exempt such person from prosecution in respect of such refusal or failure.

(4) Motor vehicles may not be driven on the taxiways and runways without special permission from the Manager.

(5) Pedestrians and persons in vehicles at the aerodrome are subject to the supervision of the Manager and must obey such directions with

regard to their movements as he or she considers necessary to give in the interests of safety or the good management of the aerodrome.

(6) No person under the age of fourteen years, not being an authorized passenger in an aircraft, may enter the aerodrome unless accompanied by and under the supervision of an adult person.

(7) The Manager has the right to remove from the aerodrome any unaccompanied person under the age of fourteen years, not being an authorized passenger in an aircraft, and to require the removal therefrom by the adult in charge of him or her of any person under the age of fourteen years whose conduct is prejudicial to the amenities and proper management of the aerodrome.

(8) A person who contravenes any of the provisions of this section or who fails to comply with a direction given by the manager commits an offence.

10. General Conduct of Persons

(1) No person may without the written prior consent of the Manager, within or around the aerodrome premises, buildings, structures, trees, fences or other part thereof -

- (a) place or affix any placard or notice;
- (b) climb any tree, building or other structure;
- (c) uproot or injure any tree or plant or pick any flower;
- (d) light or in any other manner cause a fire, or smoke or bring an open flame into -
 - (i) any place where such act is prohibited by a notice displayed on the direction or with the permission of the Manager; or
 - (ii) any place within 16 m of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of liquid fuel or explosives;
- (e) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided solely for fire-fighting purposes, or in the event of a fire, to interfere with or take part in any rescue or fire-fighting operation, unless he or she has been asked to do so by the official in charge of such operation;
- (f) discharge any firearm or airgun or set off any firework, or use a catapult or to throw any stone or other object;
- (g) affix or distribute any pamphlet, book, handbill or other printed matter or other article;
- (h) enter any public convenience marked as being reserved for persons of the opposite sex;
- (i) enter any building or place in disregard of a notice prohibiting such entry;
- (j) play any musical instrument, operate any sound reproducing device, sing or make any speech;
- (k) cause any obstruction, disturbance or nuisance or commit any act causing annoyance to other persons using the aerodrome or

- lawfully present thereat;
- (1) enter or leave the aerodrome or any part thereof except by means of the entrances or exits marked as being provided for that purpose.
- (2) No chock, drum, loading step, trestle or other equipment or object capable of causing an obstruction may be left on the landing field except when its presence there is actually and immediately necessary.
- (3) A person who contravenes a provision of this section commits an offence.

11. Removal of damaged or disabled aircraft

- (1) The operator of any damaged or disabled aircraft must, if directed to do so by the Manager, move such aircraft or any part thereof or any cargo or thing carried therein to another place on the aerodrome indicated by the Manager, or from the aerodrome.
- (2) If the operator of a damaged or disabled aircraft refuses or fails or is not present to comply forthwith with any direction given by the Manager in terms of subsection (1), the Manager may take all steps necessary to ensure that such direction is complied with as expeditiously and safely as possible and may recover from the operator of that aircraft the cost incurred in ensuring compliance with such direction and any such action by the Manager does not exempt such operator from prosecution in respect of such refusal or failure.

12. Supply of fuel to Aircraft.

- (1) No person may on the aerodrome supply fuel to any aircraft except at a place and in a manner approved by the Manager.
- (2) The Manager may make any approval granted by him or her in terms of subsection (1) subject to compliance with such conditions as he or she may consider necessary to impose in order to safeguard persons or property on the aerodrome and he or she may from time to time vary or add to any condition so imposed or withdraw his approval.
- (3) The supply of fuel is, notwithstanding the above, subject to the provisions of the municipality's by-law relating to fire prevention.

(4) A person who contravenes subsection (1) or who fails to comply with a condition imposed in subsection (2) commits an offence.

13. Boarding or tampering with aircraft

- (1) Except with the permission of the person in lawful charge of all aircraft no person may on the aerodrome -
 - (a) board such aircraft; or
 - (b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection therewith.
- (2) A person who contravenes subsection (1) commits an offence.

14. Use of buildings and hangars

(1) Subject to any agreement entered into in terms of section 3, the buildings, hangars and other facilities on the aerodrome are under the control of the municipality and the use thereof is subject to such conditions as may be imposed by it.

(2) A person who uses the buildings, hangars or other facilities in contravention of a condition imposed in terms of subsection (1) commits an offence.

15. Trading

(1) Subject to any agreement entered into in terms of section 3, no person may engage in the sale of refreshments or in the sale or hire of any other commodity or in the rendering for reward or otherwise of any service within the boundary of the aerodrome unless having obtained a written permit to do so given by the municipality.

(2) A person who contravenes subsection (1) commits an offence.

16. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government:

Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

17. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine not exceeding R 20 000 or in default of payment, to imprisonment not exceeding two years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

18. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

19. Short title and commencement

This by-law is known as the Aerodrome By-law, and commences on the date of publication thereof in the Provincial Gazette.

NOTICE 19 OF 2016



ELECTRICITY BY-LAW

The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government: Municipal Systems Act No. 32 of 2000, enacts as follows:

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CHAPTER 1

1. DEFINITIONS

- In this By-law, unless inconsistent with the context

"accredited person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or

a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications as listed in Schedule 1 attached to this By-law;

"certificate of compliance" means a certificate issued in terms of the Regulation in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" in relation to premises means:

- (a) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises:

"credit meter" means a Meter where an account is issued subsequent to the consumption of electricity; **"electrical contractor"** means an electrical contractor as defined in the Regulations;

"electrical contractor" means an electric contractor as defined in the Regulations

"electrical installation" means an electrical installation as defined in the Regulations

"high -voltage" Means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV to 220kV. [SAGS 1019];

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be a a.c. voltage of 1000V (or a d.c. voltage of 1500V). [SAES 1019];

"the law" means an applicable law, proclamation, and ordinance, act of parliament or enactment having force of law;

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1kV to 44kV. '

[SAGS 1019j;

"**meter**"-means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters; "motor load, total connected" means the corn total of the kW input ratings of all the individual motors connected to an installation; "Motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current relation to alternating-current-motors means-the-root-mean-square-value of the-symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"**Municipality**"-means Matatiele Local Municipality, a municipality established in term of the law Or any legal entity duly authorised by the Municipality to provide an electricity service within the jurisdiction of the Matatiele Local Municipality;

"**occupier**" in relation to any premises means —

(a) any person in actual occupation of such premises; (b) any person legally entitled to occupy such premises;

(c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers

or tenants whether on-his own-account-or-as-agent for any person entitled thereto or interested therein; or

(d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person whether she is absent from the Republic of South Africa or his/her whereabouts are unknown;

"**owner**" in relation to premises means the person in whom is vested the legal title thereto; provided that —

(a) in the case of immovable property leased for a period of not less than 50 (fifty) years, whether the lease is registered or not, the lessee thereof; or

(ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined —

(i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as: executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or

(ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and

iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply) or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised official of the Municipality: Provided that it shall meter all of, and Only, the consumer's consumption of electricity;

"Point of supply" means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel; **"prepayment meter"** means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit; **"Regulations"** means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as amended; **"SAM Codes"** means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as defined in Regulation No. 1373 published in Government Gazette 24002, dated 08 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993) or as may be published in the future in terms of that Act safety standard" means the Code of Practice for the Wiring of Premises SAGS 0142 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means the Municipality's tariff or charges for the supply of electricity, and

"token" means the essential element of a prepay metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

"**voltage**" means the root-mean-square value of electrical potential between two conductors.

Words applying to any individual shall include persons, companies and corporations; and the masculine gender shall include females as well as males, and the singular number shall include the plural and vice versa.

2. OTHER TERMS

All other terms used in this By-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act No. 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as amended.

3. HEADINGS AND TITLES

The headings and dates in this By-Law-shall not -affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4. PROVISION OF ELECTRICITY SERVICES

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

5. SUPPLY BY AGREEMENT

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing, with the Municipality for such supply, and such agreement together with the provisions of this By-law shall in all respects govern such supply_ If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in section.44 of this By-law.

6. SERVICE OF NOTICE

(1) Any notice or other document that is served on any person in terms of this By-law is regarded as having been served

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years; when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and acknowledgment of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in this notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the municipal manager's office.

7. COMPLIANCE WITH NOTICES

Any person on whom a notice is duly issued or given under this By-Law is served shall, within the time specified in such notice, comply with its terms.

8. APPLICATION FOR SUPPLY

(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity, and shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

9. PROCESSING OF REQUESTS FOR SUPPLY

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

10. WAYLEAVES

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thorough fare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- 2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be Continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

11. STATUTORY SERVITUDE

- (i) Subject to the provisions of subsection (3) the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main. on, across, though, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to -(d).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, though, over or under any street of immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, be determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the data on which it proposes to commence such work.

12. RIGHT OF ADMITTANCE TO INSPECT, TEST AND/OR DO MAINTENANCE WORK

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, has access to or over 'any property for the purposes of—
- (a) doing anything authorised or required to be done by the Municipality under this By-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection with;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this By-law or any other law, and . _
 - (e) enforcing compliance with the provisions of this By-law or any other law.
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour 'specified in such notice, access to such property to a period and for a purpose referred to in subsection (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, is necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

13. REFUSAL OR FAILURE TO GIVE INFORMATION

No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

14. REFUSAL OF ADMITTANCE

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this By-law or of any duty connected therewith or relating thereto.

15. IMPROPER USE

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.-The fee as prescribed by the Municipality for the disconnection 'and reconnection shall be paid by the consumer-before the electricity supply is restored,-unless it can be shown that the consumer did not use or deal with the, electricity in an improper or unsafe in a manner .

16. ELECTRICITY TARIFFS AND FEES

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

17. DEPOSITS

The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this By-law. On, cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. PAYMENT OF CHARGES

(1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.

(2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, rennet the due date and a warning indicating that the supply

of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is reconnected.

19. INTEREST ON OVERDUE ACCOUNTS

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. RESALE OF ELECTRICITY

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. Where municipal approval is given for the resale of electricity, such resale shall be subject to the conditions laid down in the Electricity Act, 1987 (Act No. 41 of 1987), provided that the reseller shall be permitted to recover his/her actual electricity cost, provided further that he/she must substantiate these costs if called upon to do so.
- (2) Further, in terms of Regulation I 1(3)(a) of the Electricity Act, 1987 (Act No. 41 of 1987), the reseller of electricity may recover the administration costs incurred in metering reading and billing from the person so supplied with electricity, provided that, at the request of such person, the reseller must furnish such person with such information as may be necessary to enable him/her to determine whether the administration costs are fair and reasonable.

21. RIGHT TO DISCONNECT SUPPLY

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-law and/or the Regulations are being contravened, provided the Municipality has given the person 14 (fourteen) days' notice to remedy his/her default and the person has failed to 'remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of section 26 of this Bylaw, within notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the fall registration of Consumption by the meter, the electricity supply may be physically removed from those premises.

22. NON-LIABILITY OF MUNICIPALITY

The Municipality shall not be liable for any loss or damage, direct or consequential suffered or sustained by a consumer as a result of, rising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

23. LEAKAGE OF ELECTRICITY

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

24. FAILURE OF SUPPLY

The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except When such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each' restoration of the supply of electricity in addition to the cost

of making good or repairing any damages which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

25. SEALS OF THE MUNICIPALITY

The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and non-person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper with such seals or locks.

26. TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.

- (2) Where prima facie evidence exists of a consumer and/or any person having contravened subsection

(1) the Municipality shall have the right to disconnect the supply of electricity-immediately and-without-prior-notice to the consumer.-The person-shall-be liable for all fees and charges levied by the Municipality for such disconnection.. . .

- (3) Where a consumer and/or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption. -

27. PROTECTION OF MUNICIPALITY'S SUPPLY MAINS

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed

- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or—Temptation over or in such a position or in such a manner as to interfere with or endanger the supply mains;

- (b) excavate, open up or remove the ground above next to, under or near any part of the supply mains;

- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;

- (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom;

- (e) the owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the trees from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (2) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this By-law.
- (3) The Municipality may in the case, of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. PREVENTION OF TAMPERING WITH SERVICE CONNECTION OR SUPPLY MAINS

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

29. UNAUTHORISED CONNECTIONS

No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection,

30. UNAUTHORISED RECONNECTIONS

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service, connection any electrical installation or installations which has or, have been disconnected by the Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and subsequent reconnection of the supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all

of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31 TEMPORARY DISCONNECTION AND RECONNECTION

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation Upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection:
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

32. TEMPORARY SUPPLIES

It shall be a condition of the giving of any temporary Supply of electricity, as defined in this By-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned the consumer by such termination.

33. TEMPORARY WORK

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

34. LOAD REDUCTION

- (I) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for

such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

35. MEDIUM AND LOW VOLTAGE SWITCH AND EQUIPMENT

- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorised official of the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised Official of the Municipality and installed by or under the supervision of any duly authorised of the Municipality.
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the Municipality. •
- (5) In the case of a low voltage supply the any other equipment required by the Municipality or any duly authorised official of the Municipality.

36. SUBSTATION ACCOMMODATION

- (1) The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and

switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

- (2) The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

37 WIRING DIAGRAM AND SPECIFICATION

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall be submitted to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from medium or high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

38. STANDBY SUPPLY

No person shall be entitled to a standby-supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

39. CONSUMER'S EMERGENCY STANDBY SUPPLY EQUIPMENT

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel

with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality. '

40. CIRCULAR LETTERS

The Municipality may from time to time issue circulars detailing the requirements of the Municipality regarding matters not specifically covered in the: Regulations or this By law but which; are necessary for the sale, efficient operation and management of the supply of electricity.

CHAPTER 3

SERVICE PROVIDERS

41. AGREEMENT ASSIGNMENT

- (1) The municipality may, subject to its responsibilities under section 81 of the Systems Act, discharge any of its obligations under section 5 of these Bylaws by entering into a service delivery agreement with a service provider or service providers.
- (2) the municipality under these Bylaws whenever the assignment is required to enable the service provider to discharge an obligation under its Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any right or power enjoyed by service delivery agreement.
- (3) If a municipality has entered into a •service delivery agreement with a service provider, it must publish a notice in the Provincial Gazette for the province in which it is situated listing which rights and powers of the municipality under which provisions of these Bylaws have been signed to the service provider..
- (4) Where the term "municipality" appears in a provision of these Bylaws listed in the notice in subsection (3) it shall be read as "service provider" in that provision.

42. CUSTOMER CHARTER

- (1) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and must —
 - (a) accord with the provisions of these Bylaws;
 - (b) be accessible to the public;
 - (c) establish the conditions of supplying the service; and

- (d) provide for the circumstances in which electricity services may be limited.

CHAPTER 4

RESPONSIBILITIES OF CONSUMERS

43. CONSUMER TO ERECT AND MANTAIN ELECTRICAL INSTALLATION

Any-electrical-installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the Consumer at this own expense and in accordance with this Bylaw and the Regulations.

44. FAULT IN ELECTRICAL INSTALLATION

- (1) If any fault develops in the electrical Installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) 'The Municipality may require the-consumer-too reimburse it-for-any-expense-to which-it-may-be-put in connection with a fault in the electrical installation.

45. DISCONTINUANCE OF USE OF SUPPLY

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least 2 (two) full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of 2 (two) full working days after such notice has been given.

46. CHANGE OF OCCUPIER

- (1) A consumer vacating any premises shall give the Municipality not less than 2 (two) full working days' notice in writing of his intention to dis-continue using the electricity supply, failing which he/she shall, remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of section 5 of this Ely-law, and if he/she fails to make application for an electricity supply within 10 (ten) working r days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for

the electricity supply from the date of occupation till such time as the supply is so disconnected.

- (3) Where premises are fitted with prepayment meters any person occupying the premises at that time shall be deemed to be the consumer.-Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this tai-law, he/she Shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

47. SERVICE APPARATUS

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises,. unless such damage or loss is shown to have been occasioned by, an Act of God or an act or omission of art employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises,
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 5

SPECIFIC CONDITIONS OF SUPPLY

48. SERVICE CONNECTION

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality hi respect of such service connection.

- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.
- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches and fastenings as may be required by the Municipality for the installation of the service connection:
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality. - - --'

Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one mistier and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarial tied.

- (8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length-

49. **METERING ACCOMMODATION**

- (1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a port to which free restricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation

and maintenance of the service equipment Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

- (2) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in this space set aside for-accommodating-the-metering equipment and service apparatus.
- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

50. LOAD REQUIREMENTS

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as out in applicable standard specification.

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the Three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (3) No current-consuming appliance, inherently single-phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

51 INTERFERENCE WITH OTHER PERSONS' ELECTRICAL EQUIPMENT

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents of Voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is a fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

52. SUPPLIES TO MOTORS

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors

The rating of a low voltage Single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors. The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

- (3) Consumers supplied at medium voltage —

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full load current of the supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

53 POWER FACTOR

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his/her own cost, install such corrective devices.

54 PROTECTION

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 6**MEASUREMENT OF ELECTRICITY****55. METERING**

The Municipality shall at the consumer's cost in the form of a direct charge or prescribed fee, Provide, install and maintain appropriately rate metering equipment at the point of metering for measuring the electricity supplied.

- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 60(2) of this By-law, in which case the consumption for the period shall be estimated.

Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

- (4) The Municipality reserves the right to meter the supply to Uncles of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units; or for groups of units.
- (5) No alterations, repairs or additions. or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

56 ACCURACY OF METERING

- (1) A meter shall be conclusively presumed to be registering accurately if its error when tested in the manner prescribed in subsection (5) here of, is found to be within the of error as provided for in the applicable standard specifications.
- (2) The Municipality Shall have the right to test its metering equipment, if it is established by test or otherwise that such metering equipment is defective, the Municipality shall

- (a) in the case of a credit meter, adjust the account rendered;

-(h) in the case of prepayment meters,

- (i) render and account where the meter has been under-registering, or
 - (ii) issue a free token where the merchants have been over-registering; in accordance with the provisions of subsection (6)
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the Metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2)- and (6) shall be made and the aforesaid fee shall be refunded
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsections (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) - or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When adjustment is made contemplated in subsection (6), the adjustment may not exceed a period of six (6) months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back over payment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer-
- (9)
- (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall —
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons- therefore;

- (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
- (iii) call, up the consumer in such notice to provide it with reasons in writing, if any, within 21 (twenty-one) days or such longer period as the Municipality may permit why his or her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in subsection 9(a)(i).
- (c) The municipality shall consider any reasons provided by the consumer in terms of subsection 9(a) and shall, if satisfied that a case has -been made out therefore, adjust the account appropriately.

If a duly authorised official of the Municipality decides after having considered the representation made by the consumer that such representations 'do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 9(a)(1), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

57 READING OF CREDIT METERS

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account: The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) Where a meter is not read and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, metering or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 (six) months preceding the date on which the error in the accounts was discovered; and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any

longer period where the consumer is able to prove the claim in the normal legal process_

58 PREPAYMENT METERING

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be made liable for reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.
- (5) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7

59 ELECTRICAL CONTRACTORS

In addition to the requirements of the Regulations the following requirements shall apply:

- (I) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the Municipality,

be inspected, tested and connected to the supply mains as though it were a complete installation.

- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised official of the Municipality in no way relieves the electrical contractor/ accredited person or the user or lessor, as the case may be, from his responsibility for, any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in a way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this By-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation

The Municipality shall not be held responsible for the work done by the electrical contractor/ accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8

60. COST OF WORK

The Municipality may repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this By-law, shall be to the account of the Person who acted in contravention of this By-law.

CHAPTER 9

61. ADMINISTRATIVE ENFORCEMENT PROVISIONS

61.1 APPOINTMENT OF AUTHORISED OFFICIALS

- (1) The municipality must appoint authorised officials vested with the power to exercise the powers of an authorised official under these Bylaws and to discharge the municipality's right of access to premises in terms of section 101 of the Systems Act.
- (2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and has no powers of arrest in respect of any offence created in these Bylaws.
- (3) In appointing an authorised official, the municipality must have regard to —

- (a) a person's technical understanding and experience of matters related to electricity services; and
- (b) any other factor that may be relevant to supervision and enforcement of these Bylaws, whether technical or administrative.
- (4) An authorised official may be an employee of the municipality or any service provider of the municipality.
- (5) Upon appointment, authorised officials must be issued with a means of identification by the municipality which must state the name and function of the authorised official, and must include a photograph of the officer.
- (6) An authorised official, acting within the powers vested in him by these Bylaws, is required to present identification on demand by any member of the public.

61.2 POWERS OF AUTHORISED OFFICIALS

RIGHT OF ADMITTANCE TO INSPECT, TEST OR DO MAINTENANCE WORK

- (1) An authorised official may, by notice in writing served on the owner or occupier of any property, require the owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to the authorised official for the purpose of
 - (a) doing anything authorised or required to be done by the municipality under these By-law or any other law;
 - (b) inspecting and examining any service mains and anything connected with it;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and making any necessary survey in this connection;
 - (d) ascertaining whether there is or has been a contravention of the provisions of these By-law or any other law, and
 - (e) enforcing compliance with the provisions of these Bylaws or any other law.
- (2) Notwithstanding subsection (1), an authorised official who has reasonable grounds to suspect that harm or damage to property may arise or has arisen as a result of the electricity supply to a premises, or in any way related with the provision of electricity services, the authorised official may, without notice, enter and search any affected

premises and take any action necessary to prevent the harm or damage to property including disconnecting the system in terms of section 15.

- (3) Any action under this section, including subsection (2), must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

61.3 REFUSAL OR FAILURE TO GIVE INFORMATION

- (1) In order to monitor or enforce compliance with these Bylaws, an authorised official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require any person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, in any matter to which these Bylaws relate and require that the disclosure be made on oath or affirmation.
- (2) An authorised official maybe accompanied by an interpreter and any other reasonably required to assist the authorised official in conducting the inspection.
- (3) An authorised official must, on request by a person requested to give information, provide his identification as an authorised official.
- (4) No person shall refuse or fail to give such information as may he reasonably and lawfully required of him by any authorised official or render any false information-to any such official regarding any electrical installation work completed or contemplated.

61.4 REFUSAL OF ADMITTANCE

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official in the performance of his duty under these Bylaws or of any duty connected with or relating to these Bylaws,

61.5 ADMINISTRATIVE PENALTIES

61.5.1 ESTABLISHMENT OF AN ADMINISTRATIVE PENALTY SYSTEM'

- (1) The municipality may establish an administrative penalty system in terms of this Chapter.
- (2) A decision to establish administrative penalty system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than three (3) months from the date of its publication.

61.5.2 INFRINGEMENT NOTICES

- (1) If a municipality has established an administrative penalty system, an authorised official may issue an infringement notice to any person who commits an offence listed in Column A of Schedule 3.
- (2) The infringement notice must
 - (a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served
 - (b) state the particulars of the infringement;
 - (c) specify the amount of the penalty payable in respect of that infringement designated in Column B of Schedule 3;
 - (d) specify the place where the penalty may be paid; and
 - (e) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he or she may
 - (i) pay the penalty; or
 - (ii) inform the municipality in writing at an address set out in the notice that he or she elects to be tried in court on a charge of having committed an offence in terms of Chapter 11 of these Bylaws.
- (3) If it appears to the authorised official that an alleged offence cannot be adequately punished by the payment of the administrative penalty then the authorised official may refrain from accepting the administrative penalty and may take proceedings against the alleged offender in an appropriate Court in terms of Chapter 11 of these By-laws.

61.5.3 TRIAL

If a person who elects to be tried in court in terms of subsection 68(e)(ii) notifies the municipality of his election, the authorised official must within ten (10) calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in order to secure the attendance and prosecution of the accused, in which event the infringement notice must be cancelled.

61.5.4 WITHDRAWAL OF INFRINGEMENT NOTICE

- (1) Within one year after the infringement notice has been issued an authorised official may, whether or not the penalty has been paid, withdraw an infringement notice on

the basis that new information has been received by the municipality Or on any other
aoed cause, by-

- (a) sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn; and
 - (b) providing reasons to the municipal manager for the withdrawal of the infringement notice.
- (2) Where an infringement notice is withdrawn after the penalty has been paid, the amount shall be refunded.

61.5.5 INFRINGEMENT NOTICE NOT AN ADMISSION

Payment of a penalty shall not be regarded as an admission for the purposes of any proceedings, whether civil or criminal

CHAPTER 10

62. JUDICIAL ENFORCEMENT PROVISIONS

62.1 OFFENCES

- (1) Subject to subsection (2), any person who
- (a) contravenes or fails to comply with any provisions of these Bylaws, other than a provision relating to payment for electricity services;
 - (b) -fails to comply-with any notice or order issued or condition imposed in terms of or for the purposes of these Bylaws;
 - (c) fails to comply with any lawful Instruction given in tem-is of or for the purposes of these Bylaws; or
 - (d) who obstructs or hinders any authorised representative or employee of the municipality in the execution of his s duties under these Bylaws; is guilty of an offence and liable on conviction to a fine not exceeding 20 000.00 or in default of payment to imprisonment for a period not exceeding twenty four (24) months and in the case of any continued offence, to a further fine not exceeding R100 or in default of payment, to imprisonment not exceeding one (1) day for every day during the continuance of such offence after a written notice has been issued by the municipality and served on the person concerned requiring- e discontinuance of such an offence.

No person shall be liable to improvements if he/she is unable to afford to pay a fine, and shall instead be liable to a period of community service.

Any person committing a breach of the provisions of these Bylaws shall be liable to recompense the municipality for any loss or damage suffered or estimated by it in consequence of the breach.

GENERAL

63. SERVICE OF DOCUMENTS AND PROCESS -- •

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of electricity services, the address of the owner of the premises to which electricity services are provided is the place where service of documents and process shall be-made.

64. SERVICE OF NOTICES

- (1) Any notice, order or other document that is served on any person in terms of these Bylaws, subject to the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be served personally, failing which it may be regarded as having duly been served—
 - (a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently sixteen (16) years.
 - (b) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic either personally or in the manner provided by paragraphs (c), or (d) or
 - (c) if that person's address and the identity or the address of his agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (d) subject to section 73, if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing it to the addresses last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other documents as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

- (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the Municipal Manager's office.
- (4) Any legal process is effectively and sufficiently serviced on the service provider when it is delivered to the managing director or a person in attendance at the managing director's office.

65. COMPLIANCE WITH NOTICES

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

CHAPTER 11

66. REPEAL OF BYLAWS

The Bylaws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1: Provided that the repeal of such Bylaws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those Bylaws.

67. SHORT TITLE AND COMMENCEMENT

This by-law shall be called Electricity by-law, 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

NOTICE 20 OF 2016



BY-LAW ON MANAGEMENT AND CONTROL OF INFORMAL SETTLEMENTS

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CHAPTER 1

The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government:

Municipal Systems Act No. 32 of 2000, enacts as follows:

1. PURPOSE OF THE BY-LAW

- 1.1. The purpose of this By-law is to provide, in conjunction with other applicable legislations, an effective legal and administrative framework for the management and control of Informal Settlements.
- 1.2. To monitor the performance of the municipality in the elimination and prevention of the re-emergence of slums; and
- 1.3 To improve the living conditions of the communities with Matatiele Local Municipality.
- 1.4. This By- law applies to all matters pertaining to the promotion of and protection against illegal and unlawful occupation of land or buildings in the Municipal area.

2. DEFINITIONS

2.1 In this By-law, unless the context otherwise indicates:

- (a) **"Authorized Informal Settlement "** means any Informal Settlement which is recognized by the Municipality as an authorized Informal Settlement which will be legalized and upgraded as a formal township in terms of the municipality's existing housing policies.
- (b) **"Consent"** means the express or implied consent of the owner or person in charge to the occupation of land by a resident of a shack irrespective of whether such consent was given in writing or otherwise.
- (c) **"Contractual Agreement"** means the contractual agreement entered into between the head of a household and the Municipality in terms of which the said household is authorized to occupy a shack in an authorized Informal Settlement.
- (d) **"Court"** means any Division of the High Court or the magistrate's court in whose area of jurisdiction the land is situated.
- (e) **"Eviction"** means the permanent removal of a person and his/her personal property from occupation of a shack or the land on which such shack is constructed or erected in accordance with the provisions of a court order. including the demolition and removal from such land of any building materials used to construct or erect such shack.

(f) "Head of the Household" means: -

- (i) the father in a household where the father and mother of the household are legally married.
- (ii) the single parent where the household Has only one parent with dependents living permanently with him / her in such household.
- (iii) any person in a household who has legal capacity to act and is recognized by the majority of other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household.

Provided that in respect of the occupation of a shack by a single person, such person shall be regarded as the head of the household for the purposes of this By-law.

(g) "Informal Settlement" means an area of unplanned and unapproved informal settlement of predominantly indigent or poor persons with poor or nonexistent infrastructure or sanitation.

(h) "Land" means a portion of land that is occupied or is capable of being occupied by persons irrespective of whether such land belongs to the National or Provincial Government the Municipality or a private individual company or other legal entity:

(i) "Unlawful Occupation of land" means the illegal occupation of land or any Settlement or occupation of persons on land without the express or tacit consent of the owner or person in charge of the land or without any other right in law to settle on or occupy such land.

(j) "Unlawful Occupation of Land Unit" means a group of officers or workers consisting of any combination of one or more of the following components:

- (i) members of the South African Police Service and/or;
- (ii) members of the Municipality's Police Service and/or;
- (iii) members of the staff of the Bailiff/Sheriff or messenger of the court with jurisdiction in the area and/or;
- (iv) members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf and/or;
- (v) Any combination of employees of the Municipality.

Designated or appointed by the Municipality to assist the Coordinator: Human Settlements in the execution of his/her duties and to execute any eviction order contemplated by section 7 of this By-law to terminate an unauthorized Informal Settlement

- (k) **"Municipality"**, means the Matatiele Local Municipality and includes the Council of the Municipality, the Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the said Council duly authorized to perform any duty, power or function in terms of this By-law .
- (l) **"Owner"** means the registered owner of land irrespective of whether such owner is the National or Provincial Government the Municipality or a private individual company or other legal entity.
- (m) **"Person in charge"** means a person who has the legal authority to give permission to a person to enter or reside upon land.
- (n) **"Shack"** means any temporary shelter, building, hut, tent, dwelling, or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act 1977 [Act 103 of 1977] the Regulations promulgated there under and where applicable the Municipality's Building Control By-laws and which is primarily used for residential purposes.
- (o) **"Unauthorized Informal Settlement "** means any Informal Settlement which is not recognized by the Municipality as an authorized Informal Settlement and which will not be legalized and upgraded as a formal township in terms of the Municipality's existing housing policies but will on the contrary be demolished and removed as contemplated in these
- (p) **"Slum"** means overcrowded or squalid land or buildings occupied by predominantly indigent or poor persons, without security of tenure and with poor or non-existent infrastructure or sanitation

3. LEGAL FRAMEWORK & STATUTORY REQUIREMENTS

3. (1) This By-law is premised from the relevant provisions of the Constitution of the Republic of South Africa (Act No. 108 of 1996) as amended.
3. (2) It derives its legitimacy from the National Building Regulations and Building Standards (Act 103 of 1977).
3. (3) It also derives its legitimacy from the Municipal Structures Act (Act. No.117 of 1998).
3. (4) It further derives its legitimacy from the Municipal Systems Act (Act. 32 of 2000).
3. (5) This By-law shall be implemented in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land (Act 19 of 1998).
3. (6) This By-law shall be implemented in terms of the objects of other relevant sister policies within the Municipality.
3. (7) Municipal Finance Management Act No.56 of 2003 ;//

CHAPTER 2

OPERATIONAL REQUIREMENTS

4. APPOINTMENT OF COORDINATOR: HUMAN SETTLEMENTS

The Municipality shall appoint an officer or assign one of its officials to manage and control all the Informal Settlements within the area of jurisdiction of the Municipality in accordance with the provisions of this By-law.

5. DUTIES OF THE COORDINATOR: HUMAN SETTLEMENTS

The Coordinator: Human Settlements shall: -

5. (1) Conduct regular surveys to determine the location, origin, extent and conditions prevailing in each Informal Settlement.
5. (2) Monitor and control all Informal Settlements and take the necessary steps to prevent unlawful occupation of land within the area of jurisdiction of the Municipality.
5. (3) Undertake and promote liaison and communication with local communities with a view to obtaining their understanding and co-operation regarding the prevention of unlawful occupation of land in the area:
5. (4) Keep a register of all the residents who are entitled to reside in each authorized Informal Settlement entailing the following details in respect of each shack in:
 - (a) the number allocated to the stand or site on which the shack is constructed.
 - (b) the name and identity number of the head of the household.
 - (c) the names, identity numbers and the nature of relations with the head of the household of each person occupying the said shack as a member of a particular household:
 - (d) the reference number of the Municipal file containing a copy of the contractual Agreement entered into between the head of the household and the Municipality in respect of his/her occupation of the shack in the authorized Informal Settlement.
 - (e) the number of the particular shack's rental account .
 - (f) the number of the particular shack's municipal services account.

- (g) the previous address of the particular household.
 - (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the said household.
5. (5) ensure that all the residents living within an authorized Informal Settlement are registered in the Municipality's Housing Needs Register.
5. (6) submit to the Municipality monthly written reports on the control and management of any Informal Settlement and / or the conditions prevailing therein.
5. (7) ensure that the contents of this By-law are communicated to all the residents in Informal Settlements and that a copy thereof is posted and maintained in a prominent place at the venue where the said committee usually holds its meetings for the information of the residents and all other persons visiting the said Informal Settlement.
5. (8) allocate to each site or stand in an authorized Informal Settlement a unique number as its temporary address and ensure that such number is legibly painted or inscribed in a prominent place on the site or stand.
5. (9) ensure that no new unauthorized shacks are erected and that no new unauthorized residents take up residence within any Informal Settlement.
5. (10) perform any other duty or function which may be necessary to ensure the proper management and control of an Informal Settlement.
5. (11) consult through the appropriate channels of communication determined by the Council of the Municipality with Ward Councilors and Political Officer Bearers of the Municipality on the application of this By-law.

6 INCIDENTS OF UNLAWFUL OCCUPATION OF LAND

6. (1) The Coordinator: Human Settlements shall within a period of 72 hours after he/she becomes aware of an incident of unlawful occupation of land or the existence of a newly established Informal Settlement irrespective of whether such Informal Settlement was established as a consequence of an incident of unlawful occupation of land or not makes a determination of its status as an authorized or an unauthorized Informal Settlement in terms of the Municipality's existing housing policies and informs the residents of the Informal Settlement accordingly as contemplated by sections 8 and 9 of this By-law, whichever might be applicable under the circumstances.
6. (2) In the event of the status of the Informal Settlement contemplated in subsection (1) being determined as an authorized Informal Settlement, the Coordinator:

Human Settlement shall deal with the matter in accordance with the provisions of section 8 of this By-law.

6. (3) In the event of the status of the Informal Settlement contemplated in subsection (1) being determined as an unauthorized Informal Settlement, the Coordinator: Human Settlement shall deal with such in accordance with the provisions of section 10 of this By-law.

7. PROCEDURES RELATING TO THE MANAGEMENT AND CONTROL OF AUTHORIZED INFORMAL SETTLEMENTS

7. (1) as soon as a determination of the status of the authorized Informal Settlement has been made and within the period contemplated by section 7(1), the Manager: Human Settlement shall visit the settlement concerned and notify the residents of the status of the authorized Informal Settlement in the manner contemplated by section 9(2) or by means of a letter delivered to each shack in the said Informal Settlement, whichever might be appropriate under the circumstances.
7. (2) The Coordinator: Human Settlement shall compile a comprehensive register of all the residents who are entitled to reside in the said authorized Informal Settlement in which the following details shall be entered in respect of each shack in such settlement:-
- (a) the number allocated to the stand or site on which the shack is constructed or erected.
 - (b) the name and identity number of the head of the household who is entitled to occupy such shack.
 - (c) the names, identity numbers and the nature of relations with the head of the house-hold of each shack.
 - (d) the reference number of the Municipal file containing a copy of the contractual agreement entered into between the head of the household and the Municipality in respect of his/her occupation of the shack in the authorized Informal Settlement.
 - (e) the number of the particular shack's rental account.
 - (f) the number of the particular shack's municipal services account.
 - (g) the previous address of the particular household.
 - (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the said household.

7. (3) The Manager: Human Settlement shall ensure that the names, addresses and other relevant details of all the residents living within an authorized Informal Settlement are registered in the Municipality's Housing Need Register.
7. (4) The Manager: Human Settlement shall allocate to each site or stand in an authorized Informal Settlement a unique number as its temporary address and ensure that such number is legibly painted or inscribed in a prominent place on the site or stand.
7. (5) The Manager: Human Settlement shall furthermore ensure that no new unauthorized shacks are constructed and that no new unauthorized residents take up residence within the said settlement by implementing appropriate measures to manage, monitor and control the occupancy of residents in the settlement in general.
7. (6) The Manager: Human Settlements shall ensure that the Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered as well as any charges levied for the right of occupation of a particular site or stand and that it is supplied to the head of the household of each registered shack in the said authorized Informal Settlement

8. RESIDENTS' COMMITTEE

8. (1) A meeting of residents in each authorized Informal Settlement shall be convened annually on a date and at a venue determined by the Municipality, to elect a Residents' Committee with a Chairperson, Deputy Chairperson, Secretary and six ordinary members, to represent the views and interests of the residents of the in all consultative processes between the Municipality and the residents.
8. (2) The Residents' Committee and the Coordinator: Human Settlements meet on a regular basis as necessary, to consult the said Committee on all matters relating to the authorized Informal Settlement and communicate matters of general concern to the residents on a collective basis, and thereafter be the sole responsibility of the Residents' Committee to inform the individual residents of matters discussed at such meetings.
8. (3) Special meetings of residents may be convened from time to time by the Residents' Committee to communicate with and to inform the individual residents of matters relating to the settlement
8. (4) Notice of meetings of residents shall be given by placing notices prominently on the official notice board at the venue determined by the Residents' Committee and communicated to the residents at an official meeting of residents.
8. (5) The Coordinator: Human Settlement shall consult the Ward Councilor (in whose area the authorized Informal Settlement is situated) with regard to the application of this section.

8. (6) Nothing in this section shall preclude a duly established and operational Ward Committee from participating in the formation and operation of the Residents' Committee established in terms of this section.

8. (7) Safeguard for no re-emerging of slums

9. PROCEDURES RELATING TO THE TERMINATION OF UNAUTHORIZED INFORMAL SETTLEMENTS

9. (1) as soon as a determination of the status of the unauthorized Informal Settlement has been made and within the period contemplated by Section 7 (1), the Manager: Human Settlement shall visit the settlement concerned and notify the residents of the status of the unauthorized Informal Settlement by means of a written notice hand-delivered to each shack in the said Informal Settlement.

9. (2) the written notice contemplated in subsection (1) shall, further more notify the residents of each shack in the unauthorized Informal Settlement that their occupation of the said shack and the site or stand on which it is situated is illegal and request them to vacate and remove all their shacks, structures, building materials and any other personal property from the settlement within a period of 24 hours after serving of such written notice.

9. (3) in the event where the notified residents co-operate and vacate and remove their Shacks, structures, building materials and other personal property from the site or stand on which it is situated as requested, the Manager: Human Settlements shall take such steps as shall be deemed appropriate in order to prevent a recurrence of any incident of unlawful occupation of land or illegal land occupation in the particular site or settlement and regularly monitor the situation to ensure such non-recurrence.

9. (4) in the event where the notified residents fail to co-operate and to vacate and remove their shacks, structures, building materials and any other personal property from the site or stand on which it is situated as requested, the Manager: Human Settlement shall immediately institute the necessary legal procedures to obtain an eviction order contemplated by subsection (5) below.

9. (5) within a period of 24 hours after the expiry of the period mentioned in the written notice contemplated by subsection (2), the Coordinator: Human Settlement shall lodge an application in a competent court of law to obtain an Eviction Order contemplated in sections 4. 5 or G of the Prevention of Illegal Eviction from and Unlawful Occupation of Land or any other applicable law against any person or persons jointly or separately occupying or residing in any shack, site or stand in the said unauthorized Informal Settlement.

9. (6) The Coordinator: Human Settlement shall, within a period of 24 hours after obtaining the Eviction Order envisaged in subsection (5), request the Municipality's Unlawful Occupation of land Unit to execute the said Eviction Order and to terminate the unauthorized Informal Settlement by vacating the relevant settlement demolishing and removing all shacks, structures, building materials and other personal property from the settlement and dealing with such building materials and other personal property in accordance with the provisions of this By-law.
9. (7) any costs incurred by the Municipality in executing the provisions of this By-law shall be undertaken by the Municipality in accordance with its approved Budget.

10. DISPOSAL OF BUILDING MATERIALS AND PERSONAL PROPERTY

10. (1) In the execution of the provisions of section 10, any building materials and other personal property belonging to any resident or inhabitant of a shack or structure in the unauthorized Informal Settlement shall be removed and stored in a safe place by the Coordinator: Human Settlement.
10. (2) If such building materials and other personal property are not claimed by the owner thereof within a period of three months after the date of removal and storage, it shall be sold to the best advantage by the Manager: Human Settlements or a person designated by him/her, who shall, after deducting the amount of any charges due or any expenses incurred, pay the net proceeds into the Municipality's Revenue Account in line with MFMA, provided that, subject to the laws governing the administration and distribution of estates, nothing in this subsection contained shall deprive the heir of any deceased person of his/her right to the balance of the proceeds of such property, provided further that, any such building materials or other personal property which are in the opinion of the Municipality, valueless and unable to realize any meaningful amount, shall be destroyed, abandoned, dumped or otherwise disposed of.
10. (3) The Manager: Human Settlements shall compile and maintain a register in which shall record the following:
- (a) particulars of all building materials or other personal property removed and stored in terms of this By-law;
 - (b) the date of removal and storage of such building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner thereof;
 - (c) the signature or left thumb print of the person claiming ownership and to whom delivery of such building materials or other personal property has been made.
- Or

(d) full details of the amount realized on the sale of such building materials or other personal property and the date of such sale;

(e) if the building materials or other personal property have been destroyed, abandoned, dumped or otherwise disposed of, a certificate by the Municipality to the effect that such items were valueless.

10. (4) Neither the Municipality nor its Officials acting within the scope of their authority shall be held responsible for any loss or damage to property or injury to person suffered by any resident or inhabitant of an unauthorized Informal Settlement or any other person for any reason whatsoever.

11. PROHIBITION OF RECEIPT OR SOLICITATION OF CONSIDERATION

11. (1) No person shall directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the Owner or person in charge of that land.

11. (2) The Court which convicts any person who contravenes the provisions of this by-law, shall order any money or other considerations received by that person to be seized and forfeited to the Municipality's Revenue Account.

CHAPTER 3

MISCELLANEOUS

12. OFFENCES AND PENALTIES

12. (1) any person who -

(a) Contravenes any provision of this By-law; or

(b) Contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of this by-law; or

(c) Fails to comply with the terms of any notice served upon him in terms of this By-law, shall be guilty of an offence and liable upon conviction to a period not exceeding two years or a fine not exceeding R20 000-00.

13. REGULATIONS

The Municipality may make regulations not inconsistent with this By-law, prescribing:

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

14. REPEAL OF LAWS

Any by-law(s) relating to the Management and Control of Informal Settlement adopted by the Council or any erstwhile Council now comprising an administrative unit of the Municipality, shall be repealed from the date of promulgation of this By-law in the Provincial Government Gazette.

15. WAIVER OR SUSPENSION OF THIS BY-LAW

This By-law may be partly or wholly waived or suspended by the Council on temporary basis.

16. COMPLIANCE AND ENFORCEMENT

Violation of or non-compliance with this By-law shall give just cause for the instituting of prosecution against the Offender.

17. SHORT TITLE & COMMENCEMENT

This by-law shall be called the By-law on the Management and Control of Informal Settlement, 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

NOTICE 21 OF 2016



LIBRARY AND INFORMATION SERVICE BY-LAWS

LIBRARY AND INFORMATION SERVICE BY-LAWS

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Matatiele Local Municipality enacts as follows:

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates and any word or expression to which a meaning has been assigned in the Municipal systems Act must bear that meaning, and -

“charges” means any fine or miscellaneous charges in respect of the library as determined from time to time by the Municipality.

“Council” means the; the Municipal Council of the Matatiele Local Municipality or its successor-in- title and any committee or person to which or the Municipality has delegated or sub-delegated any power in terms of Section 59 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000);

“lending period” means the period which the Municipality determines for the lending out of different types of library material’

“librarian” means the officer (or his representative) appointed by the Municipality to exercise control over and to manage the library;

“library material” means books, periodicals, newspapers, prints, pictures, documents, posters, printed music, and audio-visual material, regardless of whether it is the property of, or on loan to the Municipality, and which is available to be perused t, studied, copied or borrowed in or from a library;

“ library week” means a period of one week or more during a year as determined by the Library and Information association of South Africa, during which information services are promoted;

“member” means any person or organization registered as a member of the library;

“ multimedia library” means a library dedicated to provision or presentation of information in any two or more written visual, audiovisual and electronic forms, and includes facilities within a library that are capable of presenting information in such formats;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

”organization” means a non-profit organization or company, or cultural association having a constitution;

“Pensioner” means a person aged 60 years over;

“ **prescribed fee**” means a fee determined by the Municipality by resolution;

“ **resident**” means a person who resides in, is a property owner or rate payer, or who is employed within the area of jurisdiction of the Municipality;

“ **visitor**” means a person residing, working or studying for a period of not more than three continuous months in the area of jurisdiction of the Municipality.

2. USE OF LIBRARY

(1) Any person admitted to the library by the Municipality may use the library facilities during official hours of opening. If a person wishes to borrow library material, such person must first register as a member of the library and pay the prescribed fee.

(2) A librarian may-

- (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at a given time and may exercise the necessary access control for that purpose;
- (b) for any reasonable cause, instruct a member or other person to leave the library.

3. MEMBERSHIP

(1) Application for membership or visitor’s rights must be made on a form prescribed by the Municipality, which form must contain the undertaking referred to in subsection (2)(a)(ii).

(2) The Municipality may-

- (a) grant membership of the library to any person residing or employed within the area of jurisdiction of the Municipality or who is a ratepayer of the Municipality, membership of the library, subject to the provisions determined by the Municipality and such person must-
 - (i) pay the prescribed membership fees; and
 - (ii) undertake to abide by the policies of the Municipality for the conduct of the business of a library, adopted by the Municipality;
- (b) grant, subject to the conditions it may determine, membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these By-laws and the rules for conducting the business of the library, adopted by the Municipality;

- (c) grant membership of the library to a person who is residing outside its area of jurisdiction and who is neither an owner of property within the Council's area of jurisdiction nor a ratepayer of the Municipality on such conditions as it may determine from time to time;
 - (d) issue a certificate of membership to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the Municipality from time to time;
 - (e) a library membership card must be issued to each member authorizing that member to borrow from the library such quantity of library materials as may be determined by the Municipality from time to time;
 - (f) exempt any applicant for membership who is an indigent case wholly or partly from payment of the prescribed fees;
- (3) A membership card is valid from the date of issue thereof for a period as determined by the Municipality from time to time and the membership of a person to whom such a card has been issued, lapses after the expiry of such period, unless it be renewed prior to the expiry date.
- (4) A member who wishes to cancel his or her membership of the library must-
- (a) notify the librarian in writing;
 - (b) return the membership card or cards in his or her name ;and
 - (c) simultaneously return all borrowed material in his or her possession to the librarian.
- (5) When a member changes his address, he must notify the librarian, in writing, within seven days of such change of address.
- (6) If the library material is not returned such person will be liable in terms of section 8(2) with the necessary changes;
- (7) When a membership card is lost, the member must forthwith notify the librarian, in writing, and –
- (a) the librarian must, on payment of the prescribed charges, issue a duplicate of such certificate;
 - (b) should a lost certificate of membership be found, the duplicate membership card must be returned to the librarian immediately;

- (c) if a member gives notice in terms of paragraph (a), such member must, despite the provisions of section 8(1), not be liable in terms of the said section in respect of any library material borrowed against the lost certificate of membership after the date of such notice.

(8) A person residing for a period of less than three months in the area of jurisdiction of the Municipality, may register as a visitor if-

- (a) he or she applies for such registration on the form prescribed by the Municipality and submits the required proof of identification and particulars as determined by the Municipality;
- (b) he deposits with the librarian the prescribed deposit; and
- (c) the librarian approves such application.

(9) The deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her, if any member does not renew his certificate of membership referred to in (1) (d) within a period of three months after the expiry of the period of validity, such deposit must be forfeited to the Municipality but on any such refund or forfeiture, the registration of the member must be cancelled.

(10) Any person may, on behalf of any organization or similar body, if duly authorized thereto by such organization or body, apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

4. LOAN OF LIBRARY MATERIAL

(1) Library material must be deemed to be on loan from the library to the member against whose membership card it was lent.

(2) No person must be in possession of any library material not lent against membership card.

(3) Library material bearing the mark of the library or the Limpopo Provincial Government, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Municipality or Limpopo Provincial Government.

(4) (a) A member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he must draw the librarian's attention to the fact;

(b) the librarian must not make damaged library material available for borrowing purposes but where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.

5. RETURN OF LIBRARY MATERIAL

A member must return the library material borrowed by him to the librarian not later than the last day of the borrowing period but-

- (a) the Municipality may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
- (b) a member must be responsible for the return of library material borrowed by him, and should such member find it impossible to personally return such library material, he may return it in any other way;
- (c) A member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.

6. OVERDUE LIBRARY MATERIAL

- (1) If a member does not return library material borrowed against his or her certificate of membership within the period stated in section 5 (a) or any period determined by the Municipality in terms of the proviso to that section, as the case may be, such member must be liable for payment to the Municipality of the prescribed fine for every week portion thereof during which such member fails to return such library material.
- (2) The Municipality may exempt any person from the payment of such fine if he is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (3) In order to obtain overdue library material, a Municipality may determine a fine free period for a time in which such library material may be returned.
- (4) Every librarian must ensure that rules and fees for overdue material are displayed at a prominent place in such library.
- (5) The Municipality may institute legal action to retrieve outstanding library material, and any prescribed fees or damages payable in connection therewith from a member.

7. RESERVATION OF LIBRARY MATERIAL

A member may, after payment of the prescribed charge, reserve library material –

- (a) If payment of the prescribed fee thereof is made in advance;
- (b) And no library material will be held longer than the period specified by the librarian or his or her authorized representative.

8. LOST AND DAMAGED LIBRARY MATERIAL

- (1) It must be stated on the membership card that if a member damages or loses library material, such member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee.
- (2) Library material not returned within 100 days from the date of borrowing must be regarded as lost and the member who borrowed it last will immediately become liable for the replacement cost or a fee prescribed in lieu thereof, at the discretion of the librarian.
- (3) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose certificate of membership such library material was borrowed must, in addition to any fine or other charges for which he is liable in respect of the said library material, be liable for payment to the Council of the purchase price thereof or an amount to make good the damage as may be determined by the Council, unless he replaces it with a copy of equal value of a copy acceptable to the Council.
- (4) Lost or damaged library material must remain the property of the Council or the Limpopo Provincial Government even if the prescribed fee in respect thereof or the replacement costs have been paid to the Council.
- (5) If damaged material returned by the member is found to be repairable, the member must pay the repair or binding charge incurred by the Council, before being permitted to borrow any further library material.
- (6) No further library material must be lent to a member who, in terms of subsection (1), is responsible therefore.

9. HANDLING OF LIBRARY MATERIAL

A member who has borrowed library material or is using it in the library is obliged to-

- (a) keep such material in a clean condition;
- (b) protect such material for being damaged in any way;

- (c) ensure that such material is not mutilated, defaced, marked, creased or damaged;
- (d) ensure that no part of the library material, or any protective coverings or any identification thereof is removed ; or
- (e) lend any such material to any unauthorized person;

10. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES

- (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her if such handling or contact would expose others to the danger or infection or any form.
- (2) The provisions of subsection (1) apply also to any person supervising or in charge of a child known by such person to be suffering from such notifiable medical condition.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in the library.
- (4) Any person in possession of such library material from the library, which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.

11. LIBRARY MATERIAL FOR SPECIAL PURPOSES

- (1) Library material of a specialized nature, may only be used in areas of the library as are set aside by the Council for special purposes and must not be removed from part of the library without the permission of the librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after the librarian has requested its surrender.

12. REPRODUCTION OF LIBRARY MATERIAL

- (1) Any person may use the facsimile and photocopier facilities of the library, subject to-
 - (a) payment of the prescribed fee;
 - (b) the furnishing by him or her of a declaration in writing, if requested by the librarian, that the purpose for which the photocopy or photographic reproduction is needed falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright

Act, 1965 as amended, and any subsequent amending or replacement legislation.

- (2) A librarian must display the relevant sections of such legislation in a prominent place in the library in question.
- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.
- (4) In granting or refusing permission in terms of subsection (2), a librarian may take cognisance of the possibility of damage being caused to such material or object as a result of it being handled for the purposes of making the reproduction, and may impose a condition as it may be reasonably necessary to prevent the damage being caused to the material.

13. USE OF THE GROUP ACTIVITIES HALL

Approval for the use of the group activities vests in the Council subject to such conditions as the Council may determine.

14. LIBRARY HOURS

The hours determined by the Council during which any library will be open to the public must be displayed on a notice at or near the entrance to the library concerned and must state –

- (a) the days and hours during which the library will open and close;
- (b) the hours during which the use of such library or any section thereof will be restricted to adults.

15. HIRING OF MULTIMEDIA LIBRARY SPACE

(1) a multimedia library may be made available to any person applying therefore against payment in advance of the prescribed fee

(2) Any person who, or body, which wishes to hire a multimedia library, must make advanced reservations with the librarian in charge

- (3) The hiring of a multimedia library must subject to such conditions as the library may determine

16. PERFORMING ARTS LIBRARY

- (1) All printed music must be made available for loan free of charge to registered adult members and organizations
- (2) Material not for loan may be determined but the performing arts librarian at his/hr discretion.
- (3) Orchestral and bulk vocal scores may be made available to orchestras, school libraries and choirs upon written application and against payment of prescribed fee.

17. LIABILITY FOR LOSS AND INJURY

- (1) The council is not liable for any damage to, loss or theft of any items brought into the library by the members of the public.
- (2) The Council is not liable for any claim or personal injury sustained by any member of the public whilst in the library premises or whilst using any library material.

18. POSTING OF BY-LAWS IN THE LIBRARY

- (1). The librarian must place a copy of these By-laws in a prominent place in the library and direct the attention of users of the library where necessary.
- (2) There must be a displayed in any library a notice to the effect that neither the Council nor the office bearers or employees of the library are liable for any injury or loss sustained by any person using the library premises or library material.

19. OFFENCES

Any person who-

- (a) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
- (b) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (c) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
- (d) allow any child under his supervision to create a disturbance in the library;

- (e) (i) act in an uncouth or disorderly fashion:
 - (ii) use unseemly, abusive or blasphemous language; or
 - (iii) lay a bet or gamble in any part of the library;
- (f) recline, sleep or partake of refreshments in the library;
- (g) cause or permit any animal under his supervision to enter or remain in the library;
- (h) while using the library, refuse to comply with any lawful request of the librarian;
- (i) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (j) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (k) damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- (l) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (m) enter or remain in any part of the library if he is-
 - (i) unclean on body or dress;
 - (ii) suffering from a contagious or infectious disease notifiable in terms of any law;
- (n) enters or remains in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (o) enters or leaves the library by an entrance or exit not officially provided for the use of the public;
- (p) enter or remain in any part of the library which is reserved for the use of the library staff;
- (q) obstruct or block any entrance to or exit from the library;

- (r) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these By-laws; or
- (s) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material.

20. PENALTIES

- (1) Any person not **bona fide** using the library for the purpose for which it is intended or is guilty of misbehaviour in the library, may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (2) Any person contravening any of the provisions of these By-laws is guilty of an offence and must, on conviction, be liable to a fine not exceeding 5000 00 or to imprisonment for a period of six months or to both such fine and such imprisonment.

21. REPEAL OF LAWS

Any by-law(s) relating to the Library and Information service adopted by the Council or any erstwhile Council now comprising an administrative unit of the Municipality, shall be repealed from the date of promulgation of this By-law in the Provincial Government Gazette

22. SHORT TITLE & COMMENCEMENT

This by-law shall be called Library and Information service By-Laws 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

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