

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

Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant

Vol. 26

BISHO/KING WILLIAM'S TOWN
27 MAY 2019
27 MEI 2019

No. 4246

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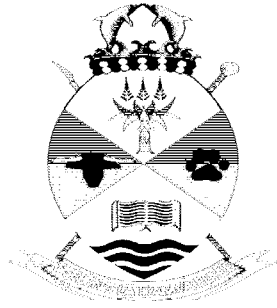
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 17 OF 2019

NOTICE TO ADVERTISE REMOVAL OF RESTRICTIVE CONDITIONS: 267 KING WILLIAMS TOWN (32 Maitland Road)

In terms of Section 47(1) of the Special Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Spatial Planning and Land Use Management by Law of 2016, approval is hereby granted for the Removal of Restrictive Title Conditions Clause B .3.(a, b ,c, and d) found in Deed of Transfer T4648/2016 , pertaining to erf 267 King Williams Town

NOTICE 18 OF 2019

**NDLAMBE LOCAL MUNICIPALITY****MUNICIPAL NOTICE IN TERMS OF THE MUNICIPAL PROPERTY RATES ACT 6 OF 2004****PUBLIC NOTICE CALLING FOR INSPECTION OF 1st SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49 (l)(a)(i) read together with Section 78(1) and (2) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the Ndlambe Local Municipality's 1st Supplementary Valuation Roll for the errors and omissions on General Valuation Roll 01 July 2019 to 30 June 2024, will be open for public inspection at designated municipal venues from 17th May 2019 to 21 June 2019 between 8:00 to 16:00 during week days.

Designated Municipal Venues :

Finance Directorate, Campbell Street , Port Alfred
Municipal Office, Otto du Plessis Street, Alexandria
Municipal Office, Kenton Road , Kenton-on-Sea
Municipal Office, Bathurst Road, Bathurst
Municipal website www.ndlambe.gov.za

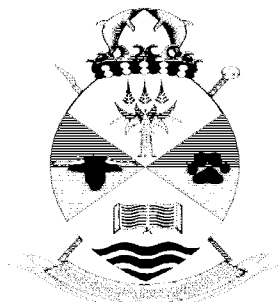
An invitation is hereby made in terms of section 49(l)(a)(ii) read together with section 78(2) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the supplementary valuation roll within the above-mentioned period. Attention is specifically drawn to the fact that in terms of section 50 (2) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such. The form for the lodging of an objection is obtainable from designated municipal venues. The completed forms must be returned to municipal offices, listed below during office hours on or before 15h:45 on the 21 June 2019

- Finance Directorate, Campbell street, Port Alfred

For enquiries please telephone Ms S. Dili on 046 604 5553 or via e-mail: sdili@ndlambe.gov.za

NOTICE: 108/2019
DATE 16 May 2019

R DUMEZWENI
MUNICIPALMANAGER



UMASIPALA NDLAMBE

ISAZISO SIKAMASIPALA NGOKUSEKELWE KWI MUNICIPAL PROPERTY RATES ACT 6 KA 2004

ISIBHENGEZO KUBAHLALI MALUNGA NOKUHLOLWA KOMQULU WOKU-QALA WAMAXABISO EZINDLU ETHUTYANA NOKUFAKWA KWEZIKHALAZO MALUNGA NOKO

Kubhengezwa izaziso esisekelwe kumacandelo 48(1)(a)(i) ezifundwa necandelo 78 (1),(2) yomthetho iMunicipal Property Rates Act6 ka 2004 othi uxwebhu lokuxatyiswa kwezakhiwo kwethutyana ukusuka kwinyangaye Khala(July)2019 ukuyakutsho kwinyangaye Silimela(June)2024 luyakufumaneka kwindawo zikamasipala ezichazwengezantsi nakwi website ukuze uluntu lukwazi ukuluhlola. Oku kuyakwenzeka ukususela kusukulwe 17th May 2019 ukuyakutsho kusukulwe 21 June 2019 ukususela kwintsimbi ye -08:00 kude kube ngentsimbi ye – 16:00 ngamaxesha omsebenzi.

Indawo ekuyakubanjelwakuzozezizilandelayo :

Icandelo Lezemali, Campbell Street , Port Alfred

I Ofisi KaMasipala, Otto du Plessis Street, Alexandria

I Ofisi KaMasipala, Kenton Road , Kenton-on-Sea

I Ofisi KaMasipala, Bathurst Road, Bathurst

www.ndlambe.gov.za

Kubhengezwa isimemo ngokomthetho esekelwe kwicandela 49(1)(a)(ii) olufundwa necandelo 78 (1),(2) we Municipal Property Rates Act6 ka 2004 esithi uluntu olufuna ukufaka izikhalazo ngemiba ebhaliweyo nengabhalwanga kwixwebhu lokuxatyiswa kwezakhiwo kwethutyana maluzithumele kwiofisi kaMunicipal Manager. Phawula ukuba izikhalazo kunyanzelekile ukuba zibengesakhiwo salowo ukhalazayo hayi uxwebhu lokuxatyiswa kwezakhiwo. Oku kuqulathwe kwicandelo 50(2) lomthetho iMunicipal Property Rates Act6 ka 2004. Iphepha lezikhalazo liyafumaneka kwizakhiwo zikamasipala ezichazwe ngentla nakwiwebsite. Zonke iimpepha mazithunyelwe ku-ofisi kaMasipala echazwe ngezantsi phambi ko 15h:45 ngomhla we-21 June 2019

- Finance Directorate, Campbell street, Port Alfred

For enquiries please telephone Ms S. Dili on 046 604 5553 or via e-mail: sdili@ndlambe.gov.za

NOTICE: 108/2019

DATE 16th May 2019

R DUMEZWENI

MPHATHIKA MASIPALA

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 142 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 138, LORRAINE, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B1(b), B3(e) and C4(k) in deed of Transfer No. T102702/2001 applicable to Erf 138, Lorraine is/are hereby removed.

PROVINCIAL NOTICE 143 OF 2019**Nelson Mandela bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013).

ERF 165 NEWTON PARK, PORT ELIZABETH, EASTERN CAPE.

Under section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and upon instructions of the Local Authority a notice is hereby given that conditions A, B, C1, C3, C4, C6, C7, C8, C9, C10 in Deed of Transfer No T21067/1983 and any subsequent Deed applicable to Erf 165 Newton Park are hereby removed.

PROVINCIAL NOTICE 144 OF 2019**EASTERN CAPE PROVINCE****NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)****ERF 150, SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instruction of the Local Authority, notice is hereby given that Conditions D. 3. (b), (c) and (d) and E. (b), (c) and (d) in Deed of Transfer No. T1800/2018 applicable to Erf 150, Summerstrand are hereby removed.

PROVINCIAL NOTICE 145 OF 2019**NELSON MANDELA BAY MUNICIPALITY (EC).**

Removal of Restictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Erf 525, Cotswold, Port Elizabeth, Eastern Cape.

Under section 47 of the Spatial Planning and Land use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.6 (a), (b), (c) and (d) in Deed of Transfer No. T63209/2017 applicable for erven 525, Cotswold are hereby removed.

PROVINCIAL NOTICE 146 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)
Removal of restrictions in terms of the Spatial Planning and Land Use
Management Act, 2013 (Act 16 of 2013)****ERF 2321 Walmer, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is given that condition/s B5, B6(a), (b), (c) and (d) in Deed of Transfer No. T50619/2012 applicable to ERF 2321 Walmer is/are hereby removed.

PROVINCIAL NOTICE 147 OF 2019**NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS IN TERMS OF SPATIAL PLANNING AND LAND
USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)****ERF 2408, WALMER, PORT ELIZABETH, EASTERN CAPE**

Under section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and upon instruction of the Local Authority, notice is hereby given that Clause B.6 (b) and (d) contained in the Deed of Transfer No. T76727/1996 applicable to Erf 2408, Walmer, are hereby removed

PROVINCIAL NOTICE 148 OF 2019**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 449, COTSWOLD, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s Clause B5 & 6 (b), (c) & (d) in Deed of Transfer No. T 73/2010 applicable to Erf 449 is/are hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 106 OF 2019

BUILDING REGULATION BY-LAW



UMZIMVUBU
— LOCAL MUNICIPALITY —

BUILDING REGULATIONS BY-LAW

The Infrastructure & Planning Department of UMzimbvubu Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and by virtue of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the legislative and executive functions in respect of building regulations as have been allocated to municipalities in the local sphere of government hereby 'propose' this ***Building Regulations By-Law*** for UMzimbvubu Local Municipality, to be approved by the Council, as set out hereunder.

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SCHEDULE I

CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

PART A

DEFINITIONS

1. Definitions

In these by-laws all words and phrases, except the words and phrases defined in these by-laws, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise –

"Adequate" means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"Antisiphonage Pipe" means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

"Approved" means approved by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"Cleaning Eye" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"Communication Pipe" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

"Connecting Sewer" means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

"Connection" means the point at which a drain is connected to a connecting sewer;

"Conservancy Tank" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"Consumer" means -

- (a) the owner or occupier of any premises to which the Municipality has contracted to supply water;
- (b) a person who has entered into a contract with the Municipality for the supply of water; or
- (c) a person who lawfully obtains water from the Municipality;

"Drain" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or antisiphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

"Drainage Installation" means an installation vested in the owner of premises and includes a drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, antisiphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

"Drainage Work" means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

"Industrial Effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or stormwater;

"Main" means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

"Municipality" means the Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the Municipality's Mayoral Committee acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960), or any officer to whom the Mayoral Committee has delegated, in terms of the provisions of section 58(3) of that Ordinance, any function, duty or power vested in the Municipality in respect of these by-laws;

"Owner" means -

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;

(b) where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and

(c) in relation to -

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or

(ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

"Piece of Land" means -

(a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such erf, stand, lot, plot or other area; or (b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or

under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

"Premises" means a piece of land, the external surface boundaries of which are delineated on -

(a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

"Purified Sewage Effluent" means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

"Sanitary Fitting" or "Sanitary Appliance" means a soil-water fitting or waste-water fitting;

"Septic Tank" means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

"Sewage" means soil water, waste water or industrial effluent, whether separately or together;

"Sewer" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"Soil Water" means a liquid containing human or animal excreta;

"Soil-Water Fitting" means a fitting that is used to receive and discharge soil water;

"Stack" means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

"Stormwater" means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

"Tariff" means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in

"Pipe" means terms of section 80B of the Local Government Ordinance (Ordinance 17 of 1939);

"Trap" means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

"Ventilation" a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

"Waste Water" means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

"Soil-Water Pipe" means a pipe, other than a drain, that is used to convey soil water with or without

"Waste-Water Fitting" means a fitting that is used to receive and discharge waste water;

"Waste-Water Pipe" means a pipe, other than a drain, that is used to convey waste water only;

"Water Care Works" means a water works for the purification, treatment or disposal of effluent; and

"Water Seal" means the water in a trap which serves as a barrier against the flow of foul air or gas.

"Wayleave" means generally the formal approval to carry out Work in the Public Road Reserve in specific positions and during a specific period.

"Wayleave Applicant" means the institution or Service Agency who currently owns or would own the future Service, who applies for a Wayleave;

PART B

PURPOSE OF THIS BY-LAW

2. Purpose of the by law and application

(1) The purpose of this by-law is to ensure uniformity with regard to the submission, consideration and approval of building plans in the jurisdictional area of the municipality.

(2) Subject to subsection (3), this by-law does not derogate from the provisions of the Building Act.

(3) Notwithstanding conflicting provisions in any act, including the Building Act, all persons, including organs of state, must submit building plans and specifications for consideration and approval by the municipality.

PART C

APPROVAL BY LOCAL MUNICIPALITY

3. Approval by Local Authorities of Applications in Respect of Erection of Buildings

- 1) No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this By-law.
- 2) Any application for approval referred to in subsection (1) shall be in writing on a form made available for that purpose by the local authority in question.
- 3) Any application referred to in subsection (2) shall-

- a) contain the name and address of the applicant and, if the applicant is not the owner of the land on which the building in question is to be erected, of the owner of such land;
- b) be accompanied by such plans, specifications, documents and information as may be required by or under this Act, and by such particulars as may be required by the local authority in question for the carrying out of the objects and purposes of this By-law.

4. Entry onto premises

- 1) An officer authorized by the Municipality with an identity document provided by the municipality has the right to enter on any premises at any reasonable time in order to determine whether the owner of the building or land complies with any provision of this By-law or any condition imposed by the local authority in terms of this By-law.
- 2) The owner or occupier of any premises is guilty of an offence under these by-laws if he or she, in respect of an officer entering on the premises in terms of subsection (1) –
 - a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
 - b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;
 - c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or
 - d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

PART D COMPLIANCE AND ENFORCEMENT

5. Compliance and Enforcement

- 1) Where a person erects a building in contravention of the provisions of this by-law, or materially deviates from an approved building plan, the municipality must in writing of a notice instruct such person forthwith to stop the erection of the building concerned or to comply with the approved building plan as the case may be.
- 2) Where the person served with a notice contemplated in subsection (1) fails to comply with such notice, the municipality may approach the magistrates court for an order prohibiting any person from proceeding with the erection of such building or authorising the municipality to demolish such building if the magistrate is satisfied that such erection is contrary to or

does not comply with the provisions of this by-law or any approval or authorization granted thereunder.

PART E

SCOPE OF BY-LAWS

6. Scope of by-laws

- 1) These by-laws are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or these by-laws.
- 2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

PART D

STREETS AND PAVEMENTS

7. Catheads, Cranes and Platforms

- 1) A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

8. Slab Footways and Pavements

- 2) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.
- 3) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following further requirements:
- 4) For ordinary paving or slabs the minimum crossfall is 1:100 and the maximum crossfall is 1:25;
 - a) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15;

- b) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and nonskid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.
- 5) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.
- 6) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

9. Plants on street verges

- 1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.
- 2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.
- 3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

10. Street gutter bridges

- 1) No person may without the express permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

BUILDINGS

11. Encroachments

- 1.) With the consent of the Municipality -
 - a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
 - b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m; (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and
 - c) a projection from any eaves may exceed a street boundary or building line.

12. Restriction on the erection of buildings within the one-in-fifty-year flood-line

(1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the center of the natural watercourse.

(3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

13. Building activities that need approval of the municipality

(1.) Generally building activity that needs approval/consent/comments of the municipality includes the following:

- a) Constructing a new building or other structures such as sheds, towers, temporary structures.
- b) Extending existing buildings.
- c) Undertaking alterations to an existing building including structural alterations, altering internal walls and partitions.
- d) Installing new or altering existing services such as electrical or hydraulic works.
- e) Demolishing or removing buildings, engineering works or services.
- f) Installing signs, antennas, and some fences.
- g) Swimming pool
- h) Ablution facility

14. Approval of building plans

1.) The municipality is responsible for the following in accordance to the Building Regulations By-Law:

- a) Responsible for processing and approving building plans presented by individuals, the private sector, associations and Government Agencies.
- b) Inspect building constructions from time to time and declare the building fit for occupation upon its completion.
- c) Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action.

- d) Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on.
 - e) Issue compounds for violation of such stalls, temples and placement of building materials within public areas.
 - f) Applications will not be assessed until all relevant plans, elevations and supporting information is submitted and appropriate application fee is paid. The primary responsibility of the municipality is to assess land use and development proposals against the requirements of the UMzimvubu Local Municipality Land Use Plan and or Town Planning Scheme.
- 2) Upon receipt of an application the municipality will first check that the application submission requirements have been met. Once the municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan.
- 3) The Building Plan Approval Committee (BPAC) will then sit as scheduled once every month to do a comprehensive technical assessment on all submissions for month in question and also consider re-submitted plans. The BPAC shall only sit when building plans submitted for the month are not less than Three (3). When submissions for the month are less than Three (3), the building plan shall be circulated to all appropriate departments within the municipality for their comments/requirements.
- 4) Subject to municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development. Once the municipality has granted planning approval, a building approval is required to be obtained from the municipality. The municipality is required to make an assessment of the development against the Building Regulations By-Law and any other relevant legislation. Importantly the Building Regulations By-Laws presents the municipal officials from issuing any approval which is not consistent with the approved Master Plan.
- 5) The disposal of excessive rubble, rubbish, surplus excavated material other debris from any construction site must be done on a designated area approved in writing by the municipality.

15. Exemptions from requiring building approval

- 1) There are numerous minor works that may not require formal approval but will still require a minor work order. Examples are:
- a) Minor painting
 - b) Some minor landscaping works

- c) Some minor repair and maintenance works
- d) Works that the municipality deems to be minor.

- 2) Advice is to be sought from the municipality, who will liaise with the individual as whether the proposed works are exempt. No works are to commence until advice is sought.

16. Building approval requirements

- 3) An application for building approval is required to be lodged with the Infrastructure and Planning Department and it will be subjected to a Pre-Scrutiny Inspection carried out on a building plan application that is to be submitted to the Local Authority for approval to ensure that the building plan application submitted for approval is in line with the processes and procedures that are set out by the municipality : Generally this will require an application form to be completed, appropriate drawings and or details to be submitted depending on the extent of the works and payment of the application fee which is based on the cost of works. Prior to the building approval being issued, consent for the works must be issued by municipality.
- 4) Parking bays for each building development must at all times have comply with parking bays as per the Transkei Standard Planning Scheme 1984 and Department of Transport Parking Standards.
- 5) Building occupant/owner must not change the building use without the approval by the municipality. Prior to the change of the building use from the current use, application in writing must be submitted to the municipality for approval.

17. Certificate of occupancy

- 1) Before a building may be occupied or used, a certificate of compliance for Occupancy / Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed.

18. Penalties for construction of unapproved building plans

- 1) This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

19. Construction of shacks, building structures and including fencing on proclaimed areas and Procedures relating to the termination of unauthorized informal settlements.

- 1) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Head of Department for Infrastructure and Planning must, through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack or building structure and owners of fences in the informal settlement.
- 2) The written notice contemplated in subsection (1) must-
 - a) notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack/building structure and the site or stand on which it is situated is illegally; and
 - b) request the residents of the shack/buildings to vacate the shack/building structures and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.
- 3) If the residents notified in terms of subsection (1), cooperate and vacate their shacks/buildings and remove building materials and other personal property from the site or stand in the unauthorized informal settlement, the municipality must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- 4) if the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the municipality must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5)
- 5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the municipality must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from an Unlawfully Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack/building or on a site or stand in the unauthorized informal settlement.
- 6) The municipality must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorized informal settlement by —

- a) evicting the residents of the unauthorized informal settlement;
 - b) demolishing and removing all shacks/buildings and removing all building materials and other personal property from the unauthorized informal settlement; and
 - c) disposing of the building materials and other personal property in accordance with the provisions of these bylaws.
- 7) Any costs incurred by the municipality for the purpose of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved budget.

20. Disposal of building materials and personal properties

- 1) In the execution of the provisions of section 16 (6), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and be destroyed, abandoned, dumped or otherwise disposed of by the municipality.
- 2) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack/building in an unauthorized informal settlement or any other person for any reason whatsoever.

21. Relay of stormwater from high-lying erven to lower-lying erven

- 1) If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lowerlying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from which stormwater is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharged.

22. Enclosures

- 1) Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of these bylaws.

23. Roofs

- (1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 months after construction thereof if the Municipality so requires.
- (2) No roof surface may have a luminous finish.

PART E**DETERMINATION OF TARRIFS****24. Determination of tariffs**

- 1) The municipality may, in terms of its approved tariffs by the council, determine tariffs and fees for any service rendered in terms of this by-law which must be reviewed annually during the budget process.

PART F**SEWERAGE****GENERAL PROVISIONS****25. Connection to sewer**

- 1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- 2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.
- 3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.
- 4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.
- 5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.

6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

26. Disconnection of drainage installations and conservancy and septic tanks

- 1.) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.
- 2) After all the requirements of the SANS 1400 in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that –
 - a) the disconnection has been completed in terms of the National Building Regulations; and
 - b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.
- 3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work.
- 4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under these by-laws.
- 5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

27. Drainage work that does not meet the requirements

- 1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these by-laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous by-laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.
- 2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.
- 3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.
- 4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or these by-laws –
 - a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws; and;
 - b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.
- 5.) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the cost of such work from a person, and there may be included in such cost such claim to be

determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

28. Maintenance

- 1.) Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

29. Drain and sewer blockages

- 1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.
- 2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.
- 3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required in regard to the control of plumbers and plumbing work.
- 4) Any plumber or registered person contemplated in subsection (3) must -
 - a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and
 - b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.
- 5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner.
- 6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

- 7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner.
- 8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

PREVENTION OF WATER POLLUTION

30. Sewage and other pollutants not to enter stormwater drains

- 1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.
- 2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to –
 - a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or
 - b) Contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimise the discharge or pollution.

31. Stormwater not to enter sewers

- 1) No person may discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a sewer installation.

32. Discharge from fountains, boreholes, wells, reservoirs and swimming pools

- 1) Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the

Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

PART G NOTICES

33. Notices

(1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by the Municipal Manager who is duly authorised thereto.

(2) Any notice, order or other document served on any person in terms of these by-laws must be served in the following manner:

- a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
- b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.

(3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

PART H

OFFENCES AND PENALTIES

34. Offences and penalties

(1) Notwithstanding any provision of these by-laws in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is on conviction liable to-

- a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
- b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

PART I
WAY LEAVE

35. Basic Wayleave Procedure

- 1) The basic procedure that is required for installation of underground or overhead services in the public road reserves or across the road and over or underneath any portion of land forming part of UMzimvubu Local Municipality's commonage is as follows:
 - a) Permission to install services over or under in the public road reserves and at any piece of land forming part of UMzimvubu Local Municipality's commonage must be obtained from the Infrastructure & Planning Department through a formal Wayleave application in the form of a letter describing the work to be done with details and design drawings/plans.
 - b) The Wayleave Applicant must firstly obtain Service plans, indicating the positions of existing Services identified, where available. The Service plans must indicate the positions and type of Services in the area where Work will be undertaken. It may be necessary for the applicant to carry out certain preliminary work in order to determine precise positions and dimensions of any existing services which are not clear from the Service Plans which have been consulted.
 - c) Once Way Leave approved, the decision to approve with conditions, or to refuse with reasons, shall be forwarded by the municipality to the Applicant. In the case of approval, the documents forwarded to the Applicant will include two copies of each of the letter indicating approval of the application and the conditions under which the approval is given, the signed approved plans. One copy of the letter of approval with Conditions imposed by Council together with the approved plans for a specific project must be signed as accepted by the applicant and returned for filing.
 - d) The Work must be carried out according to this By-law, any other applicable laws and policies, and the procedures and specifications as referred to in the Conditions of Approval.
 - e) The Wayleave Approval with condition must be kept on site while the Work is in progress.
 - f) Work will be stopped if either the Wayleave Approval is not available during inspections on site or if any of the Wayleave Conditions are not being met. Work will be stopped until the required documents are available on site. Failure to comply with the Wayleave Conditions may impact other applications being made by the same Service Provider.

2) GENERAL

- a) The Applicant / Contractor may not commence with the Works on Site until and unless the Way Leave has been submitted, approved and the service has been approved on site.
- b) The Applicant / Contractor shall comply with all safety regulations in carrying out the Works. In particular s/he shall comply with the Occupational Health and Safety Act no 85 of 1993 (General Safety Regulations Section 13) regarding demolition and excavation work.
- c) The Applicant / Contractor shall designate in writing an employee with the duty of supervising the performance of the work in terms of Regulation Section 11 of the above mentioned Act. The position of Services shown on the drawings is only approximate. Position and depth of Services below ground, if given, is not guaranteed.
- d) No work shall be carried out on Site by using machinery unless the position of all Services shown on the drawings have been indicated on Site by the Service Provider and such Services have been exposed by hand excavation.
- e) At least 3 days' notice must be given to the Way Leave Officer before Services can be indicated and work can commence on Site.

3) THE WORKS

- a) The Works must be constructed according to the applicable latest Standard SABS 1200 specifications or similar approved specification.
- b) No excavation shall be backfilled by the Applicant / Contractor unless and until an inspection has been carried out by the Owner to assess if any damage has been done to its Services.
- c) Photographs (in a digital format) of the Site shall be taken by the Applicant / Contractor prior to commencing with the Works to record any existing damage / fault found on or adjacent to the Site. Photographs showing damages / faults must be provided to the UMzumvubu Local Municipality before commencing with the Works. Should no such record be submitted, the Site is deemed to have been provided in a good condition.
- d) On completion of the Works the Site and its surroundings shall be left in a condition at least the same as that in which it was found.

- e) All road crossings must be designed and supervised by the Engineer, and constructed and made good to the satisfaction of the Roads, Transport and Civil Works Department. Defects found in the design, construction and repairs of the road crossing and other areas, will be made good by the Owner for a period of 12 months after completion of the Works, at the cost of the Applicant.
- f) No work shall be carried out on roads during peak hour traffic which is normally before 9 am and after 3 pm. UMzimvubu Local Municipality Traffic Laws Enforcement shall be liaised with regarding the accommodation of pedestrian and other traffic.
- g) Application to close roads must be submitted in writing by the Applicant / Engineer to the Way Leave officer at least 3 weeks before the intended date of closure. No road shall be closed to traffic unless Approval has been obtained from the Roads, Transport and Civil Works Department.
- h) The Engineer / Contractor shall insure that no work shall be carried out in a road / street unless the necessary traffic signs in accordance with the SA Road Traffic Sign Manual are installed and maintained.

SCHEDULE I

CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

1. Design and appearance.

(1) An enclosure must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:

(a) All surfaces of the enclosure that are visible from an adjacent street or public open space must –

- i. be skillfully finished;
- ii. be of good quality material;
- iii. be without any defect; and
- iv. have an exposed or finished side.

(b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.

(c) If the enclosure is made of precast material, it must –

- i. have a brick-pattern finish and be painted white; or
- ii. be of a finish or colour approved by the Municipality.

(d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

(2) An enclosure must comply with the following conditions if the enclosure is visible from any adjacent erf:

(a) All surfaces of the enclosure that front on an adjacent erf must –

- i. be skilfully finished;
- ii. be of good quality material;
- iii. be without any defect; and
- iv. be maintenance-free.
- v. If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.

(c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

3. General

Notwithstanding the provisions other provisions -

(a) the Municipality may agree to the exceeding of the maximum height of an enclosure;

(b) an enclosure must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;

(c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;

(d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and

(e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

APPROVAL

This By Law was adopted by the council on the2019

As per Council resolution number

Signed off

Mr. G.P.T. Nota
Municipal Manager

Cllr. F.N. Ngonyolo
Acting Mayor

LOCAL AUTHORITY NOTICE 107 OF 2019



No. ULMC 76 OF 31ST MAY 2018 COUNCIL MEETING.

CREDIT CONTROL AND DEBT COLLECTION BY-LAW

MUNICIPALITY OF UMZIMVUBU CREDIT CONTROL AND DEBT COLLECTION BY-LAW

The Municipal Manager of Umzimvubu Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Umzimvubu Credit Control and Debt Collecting By-Law, which shall come into operation on the date of publication hereof.

1 DEFINITIONS

"Arrangement" means a written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

"Chief Financial Officer" means a person appointed by the Council to manage, inter alia, the Council's financial administration and debt collection of the Council's debtors and includes any person acting in this position.

"Council" means the municipal council, as referred to in section 157 of the Constitution of the Republic of South Africa Act 108 of 1996.

"Credit Control" means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

"Customer" means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

"Defaulter" means any person owing the Council arrear monies in respect of taxes and/or service charges.

"Gender" any reference to the one gender shall include reference to the other

"Municipality" means the Municipality of Umzimvubu, a local municipality established in terms of Section 12 of the Local Government: Municipal Structures Act 1998;

"Municipal Manager" means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

"Occupier" means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies.

"Owner" means

- a. The person in whom from time to time is vested the legal title to premises.
- b. In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.
- c. In a case where the council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon.
- d. In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof

In relation to -

- (i) A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
- (ii) A section as Defined in such Act, *the* person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person

f. Any legal person including but not limited to:

- (i) A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.
- (ii) Any Department of State.
- (iii) Any Council or Board established in terms of any legislation applicable to the Republic of South Africa.
- (iv) Any Embassy or other foreign entity.

"Premises" includes any piece of land, the external surface boundaries of which are delineated on:

- a. A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or
- b. A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

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 41 of 1987], as amended.

3 Headings and titles

The headings and titles in this by-law shall not affect the construction thereof.

4 GENERAL PROVISIONS

4.1 SERVICE OF NOTICE

1. Any notice or other document that is served on a 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;
 - c. when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement 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 had 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 authorized 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 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 of the Municipality or a person in attendance at the Municipal Manager's office.

4.2 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.

4.3 AUTHENTICATION OF DOCUMENTS

- a. Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;
- b. Delivery of a copy of the document shall be deemed to be delivery of the original.

4.4 ARRANGEMENT FOR PAYMENT OF ARREAR ACCOUNT

- a. Each defaulting account holder shall be allowed a period as determined by a minimum of 10% of gross earnings within which to pay an arrear account together with the interest raised (if any) by such an account, and it shall be a condition for the conclusion of any

arrangement that the account holder is bound to pay every current municipal account in full and on time during the period over which such arrangement extends.

4.5 INTEREST CHARGES

Subject to the provisions of the Local Government: Municipal Finance Management Act 56 of 2003 or any other law relating to interest, the Council may charge and recover interest in respect of any arrears amount due and payable to it.

4.6 PRIMA FACIE EVIDENCE

A certificate under the hand of the Municipal Manger reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

5. POWER OF COUNCIL TO RECOVER COSTS

5.1 DISHONOURED PAYMENTS

Where any payment made to the Council is later dishonoured by the bank, the Council may levy such costs and administration fees as may be reasonable and enforceable in terms of prevailing legislation.

5.2 LEGAL FEES

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

5.3 COST TO REMIND DEBTOR OF ARREARS

Any cost incurred in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, e-mail, letter or otherwise, that his payments are due, may be levied against the account of the debtor.

5.3 ACCOUNTS

The Council may-

- a. Consolidate any separate accounts of persons liable for payments to the municipality;
- b. Credit a payment by such a person against any account of that person; and
- c. Implement any of the debt collection and credit control measures provided for in these by-laws and policy in relation to any arrears on any of the accounts of such a person.

6 SERVICE AGREEMENT AND TERMINATION OF SERVICES

- 6.1 No supply of services shall be given unless and until application has been made by a customer on the prescribed form and a service agreement has been entered into between such customer and the Municipality and a deposit as security equal to an amount as determined by the Council from time to time has been paid in full by such a customer.

- 6.2 Termination of the services agreement must be in writing to the other party of the intention to do so.

7 DISPUTE REGARDING AMOUNT OWING

- 7.1 In the event of any dispute arising as to the amount owing by an owner or occupier in respect of municipal services, such owner or occupier shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute, any adjustment in the time value of money as well as the annual amendments of tariffs of the Council.
- 7.2 The amount referred to in sub-section [1] shall be determined by the Chief Financial Officer and be conveyed by notice to the relevant owner or occupier.

8 ARREARS COLLECTION

CREDIT CONTROL POLICY

- 8.1 The Council shall have a written policy on credit control and debt collection which shall be termed the Credit Control Policy and which may provide for -
- a. Credit control procedures and mechanisms;
 - b. Debt collection procedures and mechanisms;
 - c. Provision for indigent debtors;
 - d. Interest on arrears;
 - e. Extensions of time for payment of accounts, including arrangements for payment;
 - f. The provision of new services;
 - g. An agreement between a debtor's employer and the Council to deduct amounts from the debtor's salary or wage;
 - h. Any other matter, which is incidental to credit control and debt collection;
 - i. The sale in execution of any property.
- 8.2 In determining its policy, the Council may differentiate between categories of persons, customers, debtors and owners as it may deem appropriate provided such differentiation does not amount to unfair discrimination.

9 SALES IN EXECUTION

- 9.1 The Council may only sell a property in execution in terms of a policy determined by it from time to time.

10 POWER OF ENTRY AND INSPECTION

- 10.1 A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of these by-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary.
- 10.2 If the Council considers it necessary that work be performed to enable an employee to perform a function referred to in sub-section 10.1 properly and effectively, it may -

- a. By written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period;

11 ARRANGEMENTS TO PAY OUTSTANDING AND DUE AMOUNTS IN CONSECUTIVE INSTALMENTS

- 11.1.1 A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions as determined by the Credit Control Policy of the Council:
- 11.1.2 The outstanding balance, costs and any interest thereon in regular and consecutive monthly instalments;
- 11.1.3 The written agreement being signed on behalf of the Council by a duly authorized officer.

12 ASSESSMENT RATES

12.1 Amount due for assessment rates

- a. All properties within the boundaries of the Umzimvubu Municipality are to be valued in terms of the legislation, applicable to the valuation of properties for the purpose of levying property rates.
- b. All assessment rates due by property owners are payable by the fixed date as determined by Council's Credit Control and Debt Collection Policy.
- c. Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- d. Assessment rates may be paid as an annual single amount, or in equal payments or payments of varying amounts as determined by the Council.
- e. Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

12.2 Claim on rental for assessment rates in arrears (Section 28 & 29 of MPRA)

The Council may apply to the appropriate Court for the attachment of any rental due in respect of rateable property in order to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

12.3 Liability of Company Directors for assessment rates

Where a company, closed corporation, trust or a body corporate, in terms of the Sectional Titles Act, 1986 or any other legal entity is responsible for the payment of any arrear amount to the Council, the liability of such entity shall be extended personally to the directors, trustees or members thereof jointly and severally as the case may be.

12.4 Disposed of Council's property and payment of assessment rates

- a. The purchaser of Council property is liable for the payment of assessment rates on the property from the date such property was sold to the purchaser.
- b. In the event of the Council repossessing the aforesaid property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

Restrain on transfer of property

- a. A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production to that registration officer of a prescribed certificate issued by the municipality in which that property is situated; and which

certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

- b. In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936).
- c. An amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

13 SUBMISSION OF CONSUMER CREDIT INFORMATION TO CREDIT BUREAU

- a. Consumer accounts that 90 days and above shall be submitted to Credit Bureau for black listing until all accounts are paid in full.
- b. Submission to credit bureau shall be done in compliance with section 19 of the National Credit Act.

14 REPORTING OF DEFAULTERS

The Council may, in its discretion and through a duly delegated employee report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be available personal information on the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal persons.

15 OFFENCES

Any person who-

- a. Commit a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

16 CONFLICT OF BY LAWS

If there is any conflict between these by-laws and any other by-law of the Council, these by-laws will prevail.

17 SHORT TITLE AND COMMENCEMENT

This by-law is called Credit Control by-law, and takes effect on 1 July 2019.

LOCAL AUTHORITY NOTICE 108 OF 2019

uMzimvubu Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of Council resolution No. UMLC: 76 of 31st May 2018 adopted the Municipality's Property Rates By-Laws set out hereunder.

UMZIMVUBU LOCAL MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229 (1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing the in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy, the by-laws may differentiate between the different categories of properties and different categories of owners of the properties liable for the payment of rates.

NOW THEREFORE BE IT ENACTED by the Council of uMzimvubu Local Municipality, as follows:

1. DEFINITIONS

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

'Municipality' means uMzimvubu Local Municipality;

'Property Rates Act' means the Local Government Property Rates Act, 2004 (Act No. 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the uMzimvubu Local Municipality, contemplated in chapter 2 of the Municipal Property Rates Act;

2. OBJECTS

The objective of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. ADOPTION AND IMPLEMENTATION IF RATES POLICY

- 3.1 The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- 3.2 The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4. CONTENTS OF RATES POLICY

The Rates Policy shall, *inter alia*:

- 4.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget.
- 4.2 Comply with the requirements for:
 - 4.2.1 The adoption and contents of a rates policy specified in section 3 of the Act;
 - 4.2.2 The process of community participation specified in section 4 of the Act; and
 - 4.2.3 The annual review of a Rates Policy specified in section 5 of the Act.
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4 Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6. SHORT TITLE AND COMMENCEMENT

This by-law is called Municipal Property Rates By-law, and takes effect on 1 July 2019.

LOCAL AUTHORITY NOTICE 109 OF 2019

UMZIMVUBU LOCAL MUNICIPALITY



UMZIMVUBU
— LOCAL MUNICIPALITY —

Infrastructure and Planning Department
UMzimvubu Local Municipality
P/Bag 9020
Main Street
KwaBhaca
5090

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1. PREAMBLE

Whereas the municipality seeks to facilitate a fair, equitable, transparent and inclusive selection and housing subsidy application approval processes for all housing development projects undertaken through Integrated Residential Development Program and Informal Settlement Upgrade Project

NOW THEREFORE be it enacted by Council as the Housing Allocation Policy

- 1.1. Constitution of the Republic of South Africa, Act No. 108 OF 1996 Section 26 (1) (2) state that:

"Housing- (1) *Everyone has the right to have access to adequate housing.*

(2) *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right"*

- 1.2. **Housing Act No. 107 of 1997 Part States that:**

Functions of Municipalities

"(1) every municipality must as part of the municipality's process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to- (f) *initiate plan, co-ordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction, (h) plan and manage land use development".*

2. DEFINITION AND ABBREVIATIONS

3.1 DEFINITIONS

NAME	DEFINITION
"Allocation Committee"	The committee that administer all selection and allocation process formed of two members from the office of the municipal manager, two members representing the Provincial Department of Human Settlements, and should not include any political office bearer(s)
"Aged"	A female beneficiary person of sixty (60) years and older, and/or a male beneficiary of sixty five (65) years or older.
"Child headed household"	Household where both parents are deceased and where all occupants of the property are children of the deceased and are all under age to contract for services and are considered as minors in term of law of person.
"Director"	The person appointed by the council as prescribed in Section 56 of the Local Government: Municipal Systems Act No. 32 of 2000
"Exceptional Housing Need"	A situation where the applicant is assisted on a priority basis as recommended by the Housing Allocation Committee and approved by the Department of Human Settlement
"Financed Linked Individual Housing Subsidy"	An initiative by the Department of Human Settlement to provide a subsidy to allow aspiring home owners to purchase a home and improve their affordability, which subsidy is also extended to existing home owners
"Housing Demand Database"	The database managed by the Department of Human Settlement which contain the record of particulars of all person in need of housing assistance.
"Indigent person"	As defined by the Indigent Policy of the municipality.

“Municipality”	UMzimvubu Local Municipality as determined by the Constitution of the municipal council as prescribed in Section 54 A of the Local Government: Municipal Systems Act No. 32 of 2000
“Project Manager”	Person appointed by the Department of Human Settlement to administer the project and is the link between Contractor, Project Consultants, Department of Human Settlements, Project Starring Committee and the Municipality

3. PURPOSE OF THE POLICY

- 3.1. The policy seeks to give priority to the housing of the community.
- 3.2. To provide a framework for the allocation of beneficiaries to IRDP and UISP
- 3.3. To prioritise equitable distribution of housing opportunities.

4. APPLICATION OF THE POLICY

The policy applies to all projects undertaken in terms of the Integrated Residential Development Programme (IRDP) and Upgrading of Informal Settlement Programme (UISP).

5. ROLES AND RESPONSIBILITIES

5.1. The role of the National Department of Human Settlement

The National Department of Human Settlement will be responsible for the following:

- 5.1.1. Verification of selected names of persons from the housing need database drawn by the Office of the Municipal Manager against the National Housing Needs Register/Demand Database; and
- 5.1.2. Inform the Allocation Committee of the verification results.

5.2. The Role of the Provincial Department of Human Settlement

The Provincial Department of Human Settlements will be responsible for the following:

- 5.2.1. Participation in the Allocation Committee;
- 5.2.2. Verification of the final beneficiary subsid applications submitted for approval;
- 5.2.3. Submission of application for consideration and obtaining the required subsidy application approval from the provincial decision-making authority; and
- 5.2.4. Informing the Allocation Committee of the approval of the subsidy applications.

5.3. The role and responsibilities of the Municipal Manager

The office of the Municipal Manager or deleted Director will be responsible for the following:

- 5.3.1. To chair the meetings of the Allocation Committee;
- 5.3.2. Ensure compilation of the housing needs register and submission thereof to the Department of Human Settlements

5.4. The role of the Manager Infrastructure and Planning Development

- 5.4.1. The Manager Infrastructure and Planning Development will be responsible for the implementation of the policy

5.5. ALLOCATION COMMITTEE

- 5.5.1. The committee that will administer all selection and allocation processes in terms of the legislations.
- 5.5.2. The committee comprises of Provincial Department of Human Settlements.

5.6. MEMBERSHIP OF THE ALLOCATION COMMITTEE

The Allocation Committee should comprise the following members:

- 5.6.1. Two members from the office of the Municipal Manager;
- 5.6.2. Two members representing the National and Provincial Department of Human Settlement; and should not include any political office bearer(s).

5.7. CHAIRPERSONS, QUORUM ARRANGEMENT, AND SECRETARIAT

- 5.7.1. The Allocation Committee should be chaired by one of the members elected from the office of the Municipal Manager.
- 5.7.2. The Allocation Committee's quorum should always comprise of four members of the Committee.
- 5.7.3. The frequency of the meetings of the Committee will be managed by the Chairperson as required by the development progress and completion of houses/residential opportunities.
- 5.7.4. The secretariat function will be done by the delegation Director.

6. SELECTION PROCESS

- 6.1. Compilation of housing needs register/database.
- 6.2. Prioritization for approval will be determined on the basis of first served as per National Housing Needs Register/Database.

7. SELECTION CRITERIA

The selection criteria will be based on the following:

- 7.1. Exceptional Housing Need
- 7.2. Vulnerable Groups
- 7.3. Physically challenges person
- 7.4. Indigent persons
- 7.5. Destitute Families
- 7.6. Aged person
- 7.7. The MEC will have discretion to prescribe and approve the specific selection priority criteria that will apply to each project.

8. SOURCES OF VERIFICATION FOR ALLOCATION OF HOUSING

- 8.1. All names of persons selected will be verified by the National of Human Settlement against the National Housing Needs REGISTER/Demand Database.

9. OTHER CATAERGORIES FOR HOUSING ALLOCATION

- 9.1.1. Person who do not qualify for housing subsidies i.e. Household whose income exceed R3 501, 00 per month but is less than R22 000, 00 per month, will qualify for Financed Linked Individual Subsidy Programme (FLIPS).
- 9.1.2. Greenfield Project where there are no pre-existing, legal occupants, and for which the municipality has discretion to select beneficiaries eligible for the subsidy.

10. MONITORING AND EVALUATION

Manager Infrastructure and Planning Development will be responsible for the implementation of this policy and will submit reports to the Municipal Manager, Council Committees and Council.

11. APPROVAL OF THE POLICY

The Municipal Council must approve this policy and any amendment thereof.

12. AUTHENTICATION

This policy was adopted by the council on the2019

As per Council Resolution number

Signed off

Mr. G.P.T. Nota
Municipal Manager

Cllr. F.N. Ngonyolo
Acting Mayor

LOCAL AUTHORITY NOTICE 110 OF 2019

UMZIMVUBU LOCAL MUNICIPALITY



UMZIMVUBU
— LOCAL MUNICIPALITY —

COUNCIL RULES AND ORDERS

UMZIMVUBU LOCAL MUNICIPALITY RULES AND ORDERS

Definitions

1. In this Rules and Orders, unless the context indicates otherwise–

“Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Access to Information Act” means the Promotion of Access to Information Act, 2000 (Act. No. 2 of 2000);

“Apology” means the Member of the Council is not going to be part of the Standing Committee/ EXCO and Council meeting because of personal reasons.

“Chairperson” means the person who is appointed to chair a Committee of Council;

“Chief Whip” means the Councillor elected by the majority party who provides a supportive function to the Council, in conjunction with the Whips, to ensure the smooth functioning of Council meetings;

“Code of Conduct” means the Code of Conduct for Councillors set out in Schedule 1 to the Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Committee” means a committee of the Umzimvubu Municipal Council established in terms of –
(a) sections 33, 79 or 80 of the Act; or
(b) any other law;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Contact details” shall include a physical address, postal address, e-mail address, cellular number, telephone number and fax number;

“Council” or **“Municipal Council”** means the Umzimvubu Municipal Council, a Municipal Council referred to in section 157(1) of the Constitution. A reference made herein to Council may include a reference to a committee with the necessary modifications;

“Councillor” or **“Member”** means a Member of a Municipal Council;

“Day” means any day of the week, excluding a Saturday, Sunday or Public Holiday;

“EXCO” means the Executive Committee of the Council established in terms of section 43 of the Act;

“Leave of Absence” means the Member of the Council is not going to be part of the Standing Committee/ EXCO and Council meeting because he/she is representing to municipality in another municipal business or engagement.

“Mayor” means the person elected by the Municipal Council in terms of section 48 of the Act;

“MFMA” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“Municipal Manager” means a person appointed in terms of section 54A of the Systems Act as the head of administration of the Municipal Council;

“Municipality” means Umzimvubu Local Municipality, a category B municipality as envisaged in terms of section 155(1) of the Constitution of South Africa, 1996;

“Notice of motion” or “motion” means the instrument by which Councillors may bring items onto the agenda of a Council meeting;

“Office of the Speaker” means the administrative branch of the Speaker's office and may include a person with delegated responsibility for management of the administration in the Speaker's Office;

“Ordinary meeting” means a scheduled meeting of Council or a committee in terms of Section 29 of the Act;

“Quorum” means the majority (50% plus one) of the Councillors;

“Recommendation” means a recommendation in the report of an executive committee in terms of Section 44(4) of the Act, in respect of a decision concerning a matter where EXCO has no delegated powers;

“Report of EXCO” means the report of EXCO as contemplated in Section 44 of the Act which requires that EXCO must report to the Municipal Council on all decisions taken by EXCO;

“Speaker” means the Chairperson of the Municipal Council elected in terms of Section 36 of the Municipal Structure Act;

“Special meeting” means a meeting other than an ordinary meeting which has been convened for a specific purpose, and where the order of business shall be stated in the notice convening the meeting;

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

PART I: GENERAL COUNCIL AND COMMITTEE PROCEDURES**1.0 First Meeting of the Council during a Municipal Term**

- 1.1 The Municipal Manager shall call the first Meeting of the Municipal Council within 14 Days after the Municipal Council has been elected.
- 1.2 The Municipal Manager shall, at least three Days before the first Meeting of the Municipal Council, send to each Councillor at his place of residence or another place nominated by him within the municipal area, a notice specifying the place, time and date of the first Meeting of the new Council and an agenda listing the business which it is proposed will be transacted at the meeting.
- 1.3 At the commencement of proceedings of the first council meeting, after it has been elected, the Municipal Manager must read the notice convening the council.
- 1.4 The order of business on the agenda of the first Meeting of a Municipal Council Term shall, unless the Municipal Council by resolution otherwise determines, be as follows: -
 - (1) Swearing-in of Councillors or Affirmation of Oath (affirm faithfulness and obedience to the Constitution of the Republic of South Africa).
 - (2) The election of the Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
 - (3) The determination of the size of and the method for the election of Councillors to serve on the Executive Committee;
 - (4) The election of Councillors to serve on the Executive Committee in- accordance with such method;
 - (5) The election of the Mayor from the Members of its Executive Committee in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
 - (7) The determination of the Constitutions and Terms of Reference of the Committees to assist the Executive Committee;
 - (8) The appointment of Councillors to serve on any Committees to assist the Executive Committee in such order as Council may determine; and
 - (9) Any other business.

- 1.5 The Municipal Manager shall surrender the Chair of the Council to the Speaker on his election.

2.0 Subsequent Meetings of the Municipal Council

- 2.1 Council meets by-monthly (on the last week of the month) in the Municipal Town Hall, at 10h00, except that the Speaker is obliged to call a meeting in the event of either of the following:

- (1) if a majority of the Councillors requests the Speaker in writing to convene a Meeting of the Municipal Council¹ at a time set out in such request; or
- (2) if at least one quarter of the councillors requests the Speaker in writing to convene a Meeting of the Municipal Council at a reasonable time to review any decision taken by a Committee, a Municipal Functionary or a Municipal Employee in consequence of a delegation or instruction¹.

- 2.2 Council is in recess during the period of 15 December to 15 January of each year.

- 2.3 The proceedings of the Council, or of a Committee of Council, may be interrupted, suspended or adjourned only by Speaker, or the Councillor presiding at the time.

3.0 Notices of Meetings of the Council and its Committees

- 3.1 The Municipal Manager shall call Ordinary Meetings of the Municipal Council and its Committees in accordance with the Municipal Calendar and/or Speaker's Sessional Orders.

- 3.2 The Municipal Manager shall, at least (7) seven Days before an Ordinary Meeting of the Municipal Council, send to each Councillor within the municipal area nominated by him a notice specifying the place, time and date of the Ordinary Meeting and an agenda listing the business to be transacted at the meeting.

- 3.3 The Municipal Manager, in consultation with the Speaker, shall request to call a Special Meeting of the Council or Committees concerned on such Notice.

- 3.4 The Municipal Manager shall, at least (12) twelve hours before a Special Meeting of the Municipal Council/ Committees, send to each Councillor within the municipal area nominated by him a notice specifying the place, time and date of the Ordinary Meeting and an agenda listing the business to be transacted at the meeting

- 3.5 The accidental omission to serve notice on any Councillor in terms of this Code or the late receipt of such notice, shall not affect the validity of any Meeting.

4.0 Agenda for Meetings of Council & its Committees and Dress Code

- 4.1 Any Agenda for any Meetings of the Municipal Council and any of its Committees shall include copies of all Reports contemplated to be considered at that Meeting unless the Presiding Officer permits a Report to be laid on table.

4.2 Before the Municipal Council takes a decision on any of, the following matters, the Executive Committee shall submit to it a Report and recommendation on any of the following matters: -

- (1) The passing of bylaws;
- (2) The approval of budgets;
- (3) The imposition of rates and other taxes, levies and duties;
- (4) The raising of loans;
- (5) The approval of the Integrated Development Plan, and any amendment to that plan; and
- (6) The appointment and conditions of service of the Municipal Manager and any Managers directly accountable to the Municipal Manager of the Municipality.
- (7) The adoption of the Performance Management System.

4.3 No business shall be transacted at a Meeting of the Municipal Council, or any of its Committees, other than that specified in the agenda relating thereto unless the Presiding Officer concerned accepts it as a matter of urgency.

4.4.1 The order of business at an Ordinary Meeting of the Municipal Council shall be as determined by the agenda and includes the following: -

Council	Executive Committee	Portfolio Committee
Opening and Welcoming Reading of the Official Notice Applications for Leave of absence Apologies from members Pecuniary Interest Deputations Communication Statements by the Chairperson Official Announcements Confirmation of previous minutes Business of the Day Considerations of reports by the Executive Committee Consideration of reports from the District Motions of Urgency Date of the Next Meeting Closure	Opening and Welcoming Reading of the Official Notice Applications for Leave of absence Apologies from members Deputations Pecuniary Interest Communication Statements by the Chairperson Official Announcements Confirmation of previous minutes Consideration of reports from the Municipal Manager Considerations of reports from the Standing Committees Consideration of urgent matters Date of the Next Meeting Closure	Opening and Welcoming Reading of the Official Notice Applications for Leave of absence Apologies from members Pecuniary Interest Deputations Communication Statements by the Chairperson Official Announcements Confirmation of previous minutes Business of the Day Consideration of urgent matters Date of the Next Meeting Closure

4.4.2 Discussion in all Committee or Council meetings will be confined to the items contained in the agenda for the meeting.

4.4.3 Municipal Councillors and Officials shall be at liberty to request for items to be prepared and submitted to the next meeting of a committee subject to allowing for a reasonable time frame for preparation of such item/s.

- 4.4.4 No supplementary item shall be submitted to a Committee or Council meeting without prior approval of the Chairperson or Speaker.
- 4.4.5 Deputation may be allowed by any Committee, subject to the observance of protocol.
- 4.5 Notwithstanding the provisions of this Code, a Councillor may at the conclusion of the business on any item on the agenda, propose that precedence be given to any other item on the agenda and may briefly state the reasons for such Proposal.
- 4.6 If such Proposal is seconded, it shall be put to the vote without any debate.
- 4.7 The Speaker may, if he considers it expedient, give precedence to any item on the agenda.
- 4.8 The Speaker may, without notice, make any statement and read any communication, at any Meeting, when the item referred to in section 4.7 is called.
- 4.9 Dress code shall be observed as follows by both Councillors and Officials:**
- 4.9.1 Suitable dress, that is, clothing which is universally acceptable by the majority of members attending a Council, Executive Committee or other Portfolio Committees of the Council shall be acceptable in all meetings.
- 4.9.2 Councillors and Officials, when attending meetings, are expected to **wear formal attire**. This normally means men with tie/cravat and a jacket, except when wearing safari suits. Ladies, when wearing "trouser-pants" to ensure that their tops or jackets cover their waist-line.
- 4.9.3 However, for the purpose of cultural and religious inclusiveness a shirt without a collar and tie, or Moslem /African style dress, shall be accepted as formal style of dress.
- 4.9.4 Councillors and Officials should refrain from wearing clothing that could be regarded as being more suitable for the beach, sexually provocative and unbecoming for a meeting.
- 4.9.5 The Speaker and the Chairpersons of various committees shall be responsible for maintenance of adherence to this dress code.
- 4.9.6 No Councillor shall be allowed to wear any clothing or accessory containing partly political paraphernalia to any meetings/ gatherings.

4.10 Precincts of the council

4.10.1 Council sits at its declared precincts.

4.11 Prayer and Meditation

4.11.1 A prayer/moment of silence for prayer and meditation must be observed at the commencement of meeting on every sitting day.

4.12 Public access

4.12.1 Admittance of public

4.12.1.1 The Council shall conduct its business in an open manner and hold its sittings and those of its committees, in public.

4.12.1.2 The Speaker has the power to take reasonable measures to regulate public access, including access of the media, to the Council, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of the relevant legislation.

4.12.1.3 The Councillor presiding at a Committee has the power to take reasonable measures regulate public access, including access of the media, to a meeting of committee, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of section 9 of the constitution.

4.12.1.4 Persons attending sittings of the Council or its committees must observe such directions and conform to such rules that may be laid down by the Councillor presiding.

5.0 Minutes of Meetings

5.1 The Speaker shall be responsible for the correctness of the minutes of every Meeting.

5.2 The Speaker shall be accountable for ensuring that minutes of the proceedings of every Meeting to be drawn up and printed and sent, prior to the next meeting to every Member of the Municipal Council, or of the Committee concerned and shall ensure that the same be submitted for confirmation at the next Ordinary Meeting thereafter by the Presiding Officer concerned: Provided that minutes relating to a Meeting or part of a Meeting from which the public and the press have been excluded shall be kept separate from the other minutes and shall be confirmed at a Meeting in the absence of the public and the press.

5.3 Where any member of the Council or any of its Committees whose name appears among those present at the meeting is absent for any time during that meeting the minutes of that meeting shall show the time the member left the meeting and when he returned and shall show the business that was dealt with during the member's absence.

5.4 The minutes shall be taken as read for the purpose of confirmation, if a copy thereof was furnished to each Member at least forty-eight hours prior to the Meeting concerned: Provided that the accidental

omission to furnish or late furnishing of such copy to a Member shall not affect the application of this subsection.

- 5.5 Except as to accuracy, no Proposal or discussion shall be allowed in respect of the minutes.
- 5.6 The minutes of a Meeting shall be open for inspection by the public at the Information Office and on the Municipal Council's Web Site should one have been established; Provided that the minutes of a Meeting or part of a Meeting from which the public and the press have been excluded, shall not be open for inspection.
- 5.7 The Speaker shall be accountable for the minutes of the Municipal Council and shall ensure their safe-keeping.
- 5.8 Minutes of proceedings at a Meeting of the Municipal Council or of a Committee, signed by the Speaker, or a copy of or extract from such minutes certified as correct by the Speaker or an officer authorised by him shall be received in evidence in a Court without further proof.
- 5.9 Until the contrary is proved, every Meeting of the Municipal Council or of a Committee in respect of the proceedings whereof Minutes have been so made shall be deemed to have been duly convened, constituted and held, and all Members of the Meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee, the Committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.
- 5.10 Recording of minutes with a mechanical device shall be confined only to Exco and Council meetings.

6.0 Absence of Councillors and Quorum

6.1 Absence of Councillors

- 6.1.1 Unless an apology has been made and accepted in terms of sub-rule 6.1.2 below, a Councillor must attend the following:-
- Meetings of the Council
 - Committee meetings of the Council;
 - Official seminars, training sessions, and workshops approved by the Speaker;
 - Meetings of other structures or bodies as determined by the Speaker.
- 6.1.2 A Councillor who wishes to be absent from sittings or meetings mentioned in sub-rule 6.1.1 above, must submit a written apology to the Speaker 24 hours before the meeting, who will consult with the Chief Whip of the parties concerned and in turn advise the chairperson of the meeting (if not Council) of such apology.

6.1.3 Criteria for Granting Leave of Absence

If the Council or Committee receives an application for leave of absence from a Councillor as described above (6.1.2), it does not necessarily imply that the Councillor has automatic leave of absence from attending the meeting. The reasons for the absenteeism should be considered and, if the reasons are found to be acceptable, leave of absence should be granted.

If the Council or Committee is not satisfied with the reasons given by the Councillor, the matter should be referred to the Rules Committee for an investigation and a report to the Council.

The following should be, however be noted:

- (1) If an application for leave of absence is not submitted in a prescribed format; leave of absence shall not be granted and the minutes of the meeting should reflect that a Councillor was absent without leave.
- (2) Leave of absence from a Council or Committee meeting shall not be considered or granted after the conclusion of that meeting.
- (3) Should a Councillor indicate that he or she will for any reason show up late for a meeting, and he or she does not show up before the conclusion of the meeting, the Councillor shall be considered to be absent without leave and the minutes of the meeting shall reflect that accordingly.

6.1.4 Penalty Clause

- (1) Any contravention of these Rules and Orders or the Code of Conduct for Councillors contained in the Municipal Systems Act must be investigated in accordance with item 14 of Schedule 1 of the Municipal Systems Act, and the sanctions referred to in item 14 (2) of Schedule 1 of the Municipal Systems Act apply if a member is found guilty of contravening these Rules and Orders of the Code of Conduct for Councillors.
- (2) A member who is, in a financial year of the Municipality, absent from a meeting of the Council/ Committee without the necessary permission or leave forfeits R 500, 00 of his or her monthly remuneration of the non-attendance for each meeting.
- (3) A councillor who is absent from three or more consecutive meetings of a municipal council/ committee, which that councillor is required to attend in terms of clause 6.1.1, must be removed from office as a councillor.

- (4) A councillor who is more than 15 minutes late in the municipal council meeting should observe the meeting from the gallery.
- (5) The amount deducted from Councillors be put to a separate Vote and the usage be determined by Ethics Committee and be monitored by office of the Speaker.
- (6) Any Councillor who wears his / her political regalia in a Council meeting a charge of R1000, 00 be implemented.

6.2 Quorum

- 6.2.1 A majority of all the Members of a Meeting shall constitute a quorum of such Meeting (50 + 1).
- 6.2.2 If, after twenty minutes of the time at which a Meeting should commence, no quorum is assembled, the Meeting shall not take place, unless the Members present agree to wait a further period, the duration of which is agreed to by them, not exceeding twenty minutes, to obtain a quorum.
- 6.2.3 If no quorum assembles in the circumstances contemplated in section 6.2 above, the business of the proposed Meeting shall stand over till the next Ordinary Meeting, unless a Special Meeting is called by the Speaker prior to such Ordinary Meeting for the purpose of disposing of such business.
- 6.2.4 Whenever during a meeting there is no quorum, the Presiding Officer shall suspend proceedings for a period of five minutes and, if at the end of that period, there is still no quorum, the Presiding Officer shall declare the Meeting to be at an end.
- 6.2.5 The provisions of section 6.2 shall apply mutatis mutandis to any uncompleted business at a Meeting contemplated in section 6.2.4
- 6.2.6 Whenever Council is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of Councillors present, must be recorded in the minutes of proceedings.
- 6.2.7 Unless the Constitution provides otherwise:-
 - The presence of the majority of Councillors constitutes a meeting of the Council.
 - Subject to section 30(2) of Municipal Structures Act, at least a majority of Councillors must be present before a vote may be taken.
 - All questions are decided by a majority of the votes cast except a question mentioned in section 160(2) of the Constitution, which must be decided by a supporting vote of a majority of Councillors.
 - The Speaker/Chairperson has no deliberative vote, but, if on any question there is an equality of votes, the Councillor presiding must exercise a casting vote in addition to that Councillor's vote as Councillor.

6.3 Order in Council Meetings

The Speaker or the person presiding at the time therein shall ascertain that order is at all times maintained during the commencement of the Council and/or Committee Meeting.

- 6.3.1 When entering or leaving the chamber the Councillor and Officials shall be expected to bow to the speaker or person presiding therein.
- 6.3.2 During the deliberations in the chambers, no Councillor shall be authorised to use offensive gestures when addressing the Speaker or any other person presiding therein.
- 6.3.3 During the deliberations in the chambers, no Councillor may use offensive or unbecoming language.
- 6.3.4 Whenever a Councillor is debating in the chambers, such Councillor shall be obliged to do that through the chairperson.
- 6.3.5 No Councillor shall converse aloud during the proceedings of a meeting.
- 6.3.6 A Councillor may only be allowed to interrupt another during the proceedings, only when raising a point of order, or a question of privilege therein.
- 6.3.7 All Councillors are expected to stand when addressing the Speaker or any other person presiding therein.
- 6.3.8 Whenever the Speaker speaks, any Councillor then speaking or offering to speak must sit, and the Speaker must be heard without any form of interruption.
- 6.3.9 The Speaker or the person presiding at the time therein, shall be authorised to excuse or retire any Councillor who persistently and timeously, refuses to conform to the rules and regulations set out by the Speaker or any other presiding person at the time or the powers bestowed to Speaker by these rules or any relevant legislation.
- 6.3.10 Should the Councillor so required to vacate the meeting because of misconduct, refuse to do as advised, the Council shall have the power to engage the services of security personnel to that effect.
- 6.3.11 When the Council starts or adjourns, the Councillors must rise and remain standing in their seats until the Speaker or the person presiding has entered or left the chamber.
- 6.3.12 Manager: Corporate Services or designee shall ensure that all Councillors and Officials are seated at least 10-5 minutes before the commencement of the Council /Committee Meeting.
- 6.3.13 Whenever Council has discussed an item In-Committee, the Speaker/chairperson will give feedback to the officials/person that was asked to go out/person that was excused from the meeting during the discussion of a particular item.
- 6.3.14 Provision for translation or relaying of Communication in meetings shall be made as and when necessary.

- 6.3.15 During the deliberations in the chambers, no Councillor may refer to any other Councillor by his or her first name or names only.

6.4 Language to be used in Council Meetings

- 6.4.1 Notwithstanding the provisions of section 6(3)(b) and section 30 of the Constitution of the Republic of South Africa, Act 108 of 1996, either English and Xhosa shall be the languages used during the Council proceedings.

6.5 Communication with the outside world and media by a Councillor

- 6.5.1 No Councillor is allowed to communicate with the outside world other than a political constituency, on any issue, on behalf of the Municipality without an explicit approval from the Speaker.
- 6.5.2 No Councillor is allowed to communicate with the media on behalf of the Municipality without an explicit approval from the Speaker

7.0 Questions

7.1 QUESTIONS CONCERNING THE GENERAL WORK OF THE COUNCIL

- 7.1.1 At any ordinary meeting a question concerning the general work of the Council but not arising out of or connected with any item on the agenda may be put without comment.
- 7.1.2 Notice of such question shall be given by a member in writing to the Municipal Manager not later than twenty one clear days before the meeting, and the latter shall furnish a copy thereof to the Speaker of the Council, or the Mayor, or the chairperson of the committee, if any, within which terms of reference, in his opinion, the matter falls.
- 7.1.3 All such questions, which are considered, shall be put in the order in which notice thereof was received and shall be replied to by the Chairperson of that committee or if there is no committee within which terms of reference the matter falls, by the Mayor provided that such replies may be tabled.
- 7.1.4 A member putting a question in terms of this subsection shall be entitled in due course to be furnished with a copy of the reply.

7.2.0 QUESTIONS CONCERNING ITEMS ON THE AGENDA

- 7.2.1 At any meeting when any item on the agenda of a committee or a report of an officer of the Council is under consideration, any member may, without comment, put a question directly arising out of or connected with such item: provided that a written copy of such question, signed by the questioner, is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences: provided further that in the computation of that period any Saturday, Sunday or Public Holiday shall be excluded.
- 7.2.2 The Speaker shall call upon the member who has lodged the question in terms of section 7.2.1 in the order in which notice thereof was given, immediately after the item has been called, and such question shall be replied to immediately, if possible, or if the information requested is not immediately available, the reply shall take the form of a written reply to the next ordinary meeting.

7.3.0 QUESTIONS OF ELUCIDATION

- 7.3.1 At any meeting a member may forthwith after an item on the agenda has been called request elucidation of that item before it is debated, provided a written copy of the request specifying the points to be elucidated is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences and the provision to section 7.2.1 shall apply *mutatis mutandis*.
- 7.3.2 Every such request shall be replied to by the Chairperson of a committee within whose terms of reference the matter falls or in the absence of such committee by the Speaker, or in the case of a motion by its mover, before the debate on the item commences.

7.4.0 QUESTIONS PUT WITHOUT NOTICE OR COMMENT

- 7.4.1 Notwithstanding the provisions of section 7.2.1 and 7.2.2, any member may without notice and comment put a question directly arising out of or connected with an item on the Agenda, to the chairperson of a committee within whose terms of reference the item falls, or a mover of a motion, or to any member speaking, which may be replied to.

7.5.0 QUESTIONS ON MATTERS OF URGENT PUBLIC IMPORTANCE

- 7.5.1 At any meeting, questions of urgent public importance, of which the Speaker shall be the judge, may be put to the Presiding Officer without comment, subject to the provisos to subsection 7.2.1.
- 7.5.2 All such questions which are considered by the Speaker to be in order shall be put to the chairperson of the committee within whose terms of reference the matter falls and shall be replied to by him or on his behalf at any stage in the consideration of the agenda.
- 7.5.3 A Councillor may request the Speaker to place a matter of public importance on the agenda.
- 7.5.4 The Councillor must make a request to the Speaker at least three (3) days before the meeting of the Council. Such a discussion may not exceed the time allocated for it by the Speaker after consultation with the Chief Whip of the majority party.
- 7.5.5.1 Questions of privilege may not be discussed under this rule.

7.5.5.2 Matters already discussed by Council during preceding twelve months may not be discussed under this rule.

7.6.0 QUESTIONS DISALLOWED

7.6.1 The Speaker, whose decision shall be final and not open to discussion, may disallow any question referred to in sections 7.1.0, 7.2.0 and 7.3.0, the subject matter of which is not within the jurisdiction of the Council, or which is otherwise out of order or which is unduly long, and he shall cause the member concerned to be informed thereof.

8.0 Motions and Urgent Matters

8.1.0 NOTICE OF MOTION

8.1.1 Every Notice of intention to introduce a Motion at a Meeting shall be signed and dated by the Member submitting it, shall specify in full the proposed Motion, shall specify the date of the Meeting at which it is intended to be introduced and shall be received by the Speaker at least ten Clear Days before such date.

8.1.2 A Notice of Motion shall deal with one matter only and shall be relevant to the affairs of the Municipal Council.

8.1.3 Where a Member gives Notice of a Motion on a matter that falls within the terms of Reference of a Committee the subject of that motion must have been considered previously by that Committee unless such Motion is in the form of a reference to that committee for consideration and report.

8.1.4 On receipt of a Notice of Motion, the Speaker shall, if the Notice complies with and is received by him in accordance with section 7.1.3, enter the Notice of Motion in a book kept for the purpose, which book shall be available for inspection by any Member and he shall place it on the agenda for the Meeting specified in such Notice.

8.1.5 All Notices of Motion shall be dated and numbered in the sequence received by the Speaker and the Speaker shall forward it to the Corporate Services Department to be included in the agenda in the order in which they are received.

8.1.6 A Notice of Motion which: -

- (1) has as its purpose the rescission or amendment of a resolution adopted by the Municipal Council during the preceding three Months; or
- (2) is substantially the same as a Motion rejected during the preceding three months,

shall be placed on the agenda only if the Notice of Motion has been signed by at least one-third of the Members in addition to the mover of the Motion.

8.1.7 A Notice of Motion similar to one placed on the agenda as contemplated in section 7.1.6, shall not be submitted until six Months have elapsed after the Motion so placed on the agenda had been disposed of.

8.2.0 IRREGULAR MOTIONS

8.2.1 The Speaker shall reject a Motion: -

- (1) which, in his opinion, does not comply with the provisions of section 7.1.1, 7.1.6 or 7.1.7;
- (2) in respect of which the Municipal Council does not have jurisdiction;
- (3) in respect of which a decision by a judicial or quasi-judicial body is pending; or
- (4) which, if adopted, would be contrary to any law or incapable of execution.

8.2.2 Whenever the Speaker rejects a Motion he shall do so in writing and ensure that before the day of the relevant meeting the member introducing the Motion is informed of both the rejection and the grounds for the rejection.

8.3.0 OPPOSED AND UNOPPOSED MOTIONS

8.3.1 If a Motion is not rejected in terms of section 7.2, the Speaker shall ascertain whether the Motion is opposed and, if it is unopposed, it shall be adopted forthwith without debate.

8.3.2 If it is opposed, the Speaker shall call upon the mover of the Motion to speak thereon.

8.3.3 If the mover is not present at the Meeting when called upon by the Speaker to move his Motion, no other Member may move such Motion in his own name unless the original mover has notified the Speaker in writing that a particular Member will move the Motion on his behalf.

8.3.4 If a Motion is not moved in terms of this section it shall lapse and it may not again be moved without further Notice.

8.3.5 No Member shall move more than two Motions, including any Motions the consideration of which was deferred from a previous Meeting, on the same agenda or move more than six Motions in any one Financial Year unless otherwise agreed to with the Speaker.

8.4.0 MOTIONS HAVING FINANCIAL IMPLICATIONS OR INVOLVING LEGISLATION

If a Motion: -

- (1) has the effect of increasing the expenditure or reducing the revenue of the Municipal Council, or if it involves expenditure not provided for in the Current Estimates, it shall take the form of a reference to the Executive Committee for investigation and report to the Municipal Council; or
- (2) would, if adopted, amend the Rules and Orders, before being put to the vote, be referred to the Speaker for a further report unless he is satisfied with the drafting thereof and that it is legally in order.

8.5.0 Motions without Notice

Motions without notice shall be discussed at the end of agenda with the permission of the Speaker or any person presiding, provided it is regarded as a matter of urgency.

9.0 Reports

9.1.0 REPORTS TO COMMITTEES

9.1.1 A report by an officer of the Municipality on any matter, other than a matter delegated to him, which falls within the Terms of Reference of a Committee, shall be placed on the agenda of a Meeting of the Committee concerned by the Municipal Manager.

9.1.2 Any report with financial implications and which is placed on the agenda of a Meeting of the Committee shall be accompanied by a Financial Certificate as defined in section 12.1.

9.1.3 Where a Report has not been placed on the agenda, and The Presiding Officer of a Committee is of the opinion that the matter is one of urgency; he may submit the Report to a Meeting of the Committee concerned, provided that the Report is on a matter within the Terms of Reference of that Committee.

9.1.4 Such Presiding Officer may speak on the reasons for the urgency of the report for not more than five minutes after which the aspect of urgency shall, without further debate, be decided on by the Committee.

9.2.0 REPORTS OF COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE

9.2.1 The report of every Committee to Assist the Executive Committee shall be submitted to an appropriate Meeting of the Executive Committee and shall contain a recommendation, which may be adopted by the Executive Committee.

9.2.2 Every recommendation shall be deemed to have been a Motion moved by the Chairperson of the Committee to Assist the Executive Committee and to have been seconded.

9.2.3 The chairperson of a Committee to Assist the Executive Committee may at any time, with the consent of the Mayor, correct or withdraw any item emanating from his Committee that appears on the agenda of a Meeting of the Executive Committee.

9.2.4 If an item falls within the Terms of Reference of more than one Committee to Assist the Executive Committee and contradictory recommendations have been submitted by those committees, the Mayor shall decide the order in which the recommendations shall be put to the vote in the Executive Committee.

9.2.5 The Municipal Manager, after consultation with the Chairperson of a Committee to Assist the Executive Committee, may, if he is of opinion that the matter is one of urgency, submit a Report on a matter to a Meeting of the Executive Committee.

9.2.6 The Chairperson of the committee concerned may speak on the reasons for the urgency of the Report for not more than five minutes after which the aspect of urgency shall without further debate be decided on by the Executive Committee.

9.3.0 REPORTS OF THE EXECUTIVE COMMITTEE

- 9.3.1 A report of the Executive Committee shall be submitted to an appropriate Meeting of the Municipal Council via the Speaker.
- 9.3.2 Unless an item is submitted for information only, every item contained in the first part of the report of the Executive Committee shall contain a recommendation which may be adopted by the Municipal Council.
- 9.3.3 The Mayor may, at any time with the consent of the Speaker, correct or withdraw any item emanating from the Executive Committee that appears on the agenda of a Meeting of the Municipal Council.
- 9.3.4 A Report submitted by the Executive Committee only for information may not be debated, but shall only be noted.
- 9.3.5 Every recommendation in the first part of a report of the Executive Committee shall be deemed to have been a Motion moved by the Mayor and to have been seconded.
- 9.3.6 The Speaker shall put the recommendation contained in the report of the Executive Committee *seriatim*, unless he considers it expedient to rearrange the order.
- 9.3.7. If an item is put to the meeting in terms of section 8.3.6 and is met by silence or the word "agreed", it shall be deemed to have been adopted unanimously.
- 9.3.8 The Mayor may, if he is of opinion that the matter is one of urgency, submit a Report on a matter to the Speaker who shall decide whether the Report concerned should be placed on the agenda of the Meeting of the Municipal Council as requested by the Mayor.
- 9.3.9 Where the Speaker agrees to a Report being placed on the agenda of the Meeting of the Municipal Council, copies of the Report shall be laid on the table at the Meeting concerned.

10.0 Proposals

10.1.0 PROPOSALS DURING THE COURSE OF A MEETING OF THE COUNCIL

- 10.1.1 During the course of a Meeting of the Municipal Council no Proposal shall, subject to the provisions of this section, be received except the following: -
- (1) To amend a Motion or Proposal;
 - (2) That the Municipal Council does now adjourn;
 - (3) That a debate be adjourned;
 - (4) That a matter be referred back;
 - (5) That the Motion or Proposal be now put to the vote;
 - (6) That the Municipal Council proceed to the next business;
 - (7) That the public or the press be excluded from any or all Meetings or part of a Meeting;

- (8) That the Municipal Council goes in or out of Committee;
- (9) That a provision of these Rules and Orders be suspended; or
- (10) That a Member be excluded in terms of this code or in terms of any legislation.

10.1.2 Every Proposal in terms of section shall be seconded.

10.1.3 A Proposal in terms of section 9.1.1 and any secondment thereof shall, subject to the provisions of section 9.1.2, not be regarded as a speech for the purposes of this Code.

10.1.4 Any Proposal in terms of section 9.1.1 shall be dealt with in accordance with the applicable provisions of sections 9.2.0 to 10.0.

10.1.5 Nothing in this section shall affect the right of the Speaker, of his own initiative or at the request of a Member, temporarily to adjourn a Meeting of the Municipal Council for a period not exceeding two hours.

10.1.6 Where the original motion or proposal relates to a Bylaw or to legislation, any motion to amend shall take the form of a reference back to the Executive Committee (unless the amendment does not alter the proposed Bylaw or legislation in principle and is acceptable to the Mayor as chairperson of the Executive Committee).

10.1.7 Any amendment which would have the effect of increasing the expenditure or reducing the income of the Municipal Council shall take the form of a reference back to the Executive Committee for consideration.

10.2.0 AMENDMENT OF MOTION OR PROPOSAL

10.2.1 Every amendment proposed in terms of section 9.1.1(1) shall be relevant to the Motion or Proposal to which it is proposed and shall be proposed during the course of a speech contemplated in section 11.1.

10.2.2 No amendment to an amendment shall be proposed in any Meeting of the Municipal Council.

10.2.3 An amendment proposed in any Meeting of the Municipal Council shall be reduced to writing, signed by the mover and the seconder and handed to the Speaker.

10.2.4 An amendment shall be read before being proposed.

10.2.5 No Member shall be entitled to propose more than one amendment to any original Motion or Proposal.

10.2.6 More than one amendment of a Motion or Proposal may be proposed and, subject to the provision of section 9.2.7, all amendments proposed shall be put to the vote at the closure of the debate on such Motion or Proposal.

10.2.7 If more than one amendment to a Motion or Proposal has been proposed, such amendments shall be put to the vote in the sequence in which they were proposed.

10.2.8 If an amendment is adopted, the amended Motion or Proposal shall take the place of the original Motion or Proposal and shall become the Motion or Proposal in respect of which any further amendments proposed shall be put to the vote: Provided that the Speaker, if he is of opinion that an amendment

adopted renders another amendment unnecessary or meaningless, may rule that such other amendment need not be put to the vote after which such amendment shall lapse.

10.2.9 The Speaker shall reject an amendment, which constitutes a direct negative of the original Motion or Proposal.

10.2.10 The provisions of sections 7.2.0, 7.3.0 and 7.4.0 shall apply *mutatis mutandis* in respect of a Proposal in terms of this section.

10.2.11 After all the amendments have been put to the vote, the original Motion or Proposal, as amended if any amendment has been adopted, shall be put to the vote.

10.3.0 REFERENCE BACK

10.3.1 A Member may during the course of his speech on any matter propose verbally (not in writing) that the matter or any aspect thereof be referred back for further consideration and report.

10.3.2 A Proposal in terms of section 9.3.1 shall state: -

(1) The Committee to which the matter is to be referred back or, if there is not a Committee within whose Terms of Reference the matter falls, the proposal shall state that the matter be referred to the Municipal Manager for report to the Executive Committee; and

(2) The aspect of which reconsideration is required.

10.3.3 The proposer and the Chairperson of the Committee within whose Terms of Reference the matters falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding the Proposal.

10.3.4 If a Proposal contemplated in section 9.3.1 is seconded, it shall be put to the vote without further debate and, if carried, the Municipal Council shall proceed to the next item.

10.3.5 The proposer of a Proposal contemplated in section 9.3.1, which was adopted by the Municipal Council, shall be entitled to be heard by the Committee or the Municipal Manager, as the case may be.

10.4.0 PROPOSAL THAT THE MATTER BE PUT TO THE VOTE

10.4.1 A Proposal that the matter be now put to vote may be proposed verbally at the close of any speech.

10.4.2 The proposer may speak on the Proposal for a period not exceeding five minutes, but the seconder may not speak beyond formally seconding it.

10.4.3 A Proposal that the matter be now put to the vote shall be put to the vote without further debate.

10.4.4 If a Proposal that the matter be now put to the vote is carried, any Proposal to amend the original Motion or Proposal and the original Motion or Proposal, as amended, shall be put to the vote forthwith.

10.4.5 If a Proposal that the matter be now put to the vote is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.5.0 PROPOSAL THAT THE COUNCIL MOVE TO THE NEXT BUSINESS

- 10.5.1 A Proposal that the Municipal Council proceed to the next business may be proposed verbally at the close of any speech.
- 10.5.2 Such Proposal shall be put to the vote without debate except that the Chairperson of a Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes, but the seconder shall not speak beyond formally seconding it and, if the Proposal is carried, the matter under discussion shall lapse and shall not be included in the agenda of any subsequent Meeting within a period of six months, unless it is reinstated on the recommendation of that Committee, or the Speaker.
- 10.5.3 If a Proposal that the Municipal Council proceed to the next business is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.
- 10.6.0 PROPOSAL THAT THE DEBATE BE ADJOURNED
- 10.6.1 A Councillor who has not yet participated in a debate on a matter under consideration may at the conclusion of any speech, verbally propose that the debate be adjourned.
- 10.6.2 The proposer and the Chairperson of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.
- 10.6.3 Save as is provided in section 9.6.2, no debate shall be permitted on such Proposal except in respect of the period of adjournment.
- 10.6.4 If such Proposal is carried, the Meeting shall proceed to the next business on the agenda.
- 10.6.5 If a Proposal that a debate be adjourned is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.
- 10.6.6 A Councillor may not propose or second more than one Proposal for the adjournment of the debate during the course of that debate.
- 10.7.0 PROPOSAL THAT THE MEETING BE ADJOURNED
- 10.7.1 A Member may, at any time (except during the course of a speech by another Councillor or while a vote is being taken), verbally propose that the Municipal Council do now adjourn.
- 10.7.2 The proposer, one Councillor in opposition thereto and the Mayor may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.
- 10.7.3 A Proposal contemplated in section 9.7.1 shall be put to the vote without further debate.
- 10.7.4 If the Proposal is carried, the Municipal Council shall forthwith adjourn: Provided that the Speaker may direct that any unopposed business shall be disposed of before the adjournment.

- 10.7.5 If the Proposal that the Municipal Council do now adjourn is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.
- 10.7.6 A Member may not on the same day propose or second more than one Proposal for adjournment during the course of anyone Meeting of the Municipal Council.
- 10.7.7 Any business uncompleted at an adjournment shall be dealt with at the next Ordinary Meeting, unless the Municipal Council decides otherwise or the Presiding Officer convenes a Special Meeting to dispose thereof.
- 10.7.8 If a Meeting is adjourned to a date not more than 14 days after the date of the adjournment, notice of the adjourned Meeting need not be given.

11.0 Withdrawal of Motion or Proposal

- 11.1 A Motion or Proposal may, without debate and with the permission of the Speaker, be withdrawn or corrected by the mover or proposer.
- 11.2 A Councillor may not speak upon such Motion or Proposal in any Meeting of the Municipal Council after the mover or proposer has asked for its withdrawal, unless such withdrawal is refused by the Speaker.

12.0 Debate and Discussion

12.1.0 LENGTH OF SPEECHES

- 12.1.1 Subject to the provisions of section 11.2.0, a Councillor may not speak for more than such period as the Speaker may have agreed or two consecutive minutes on any one Motion or Proposal (whichever is the longer).

12.2.0 MEMBERS MAY SPEAK ONCE ONLY

- 12.2.1 Subject to any provision to the contrary in this Code, a Member may not address the Municipal Council more than once on any Motion or Proposal.
- 12.2.2 Subject to any provision to the contrary in this Code, the mover of a Motion or the proposer of a Proposal or a Member contemplated in sections 8.2.4 or 8.3.5, may speak on the Motion or Proposal and reply to the debate but in replying he shall strictly confine herself to answering previous speakers and shall not introduce any new matters into the debate.
- 12.2.3 Such reply shall conclude the debate.
- 12.2.4 The reply to the debate by the Mayor or another Member of the Executive Committee requested by the Mayor to act on his behalf on any item in the first part of the report of that Committee, shall conclude the debate on that part of the report: Provided that the Speaker may refuse the Mayor the opportunity to speak if he is of opinion that the item concerned has not been sufficiently debated and that there are other Members who wish to participate in the debate.

12.3.0 RELEVANCE

12.3.1 A Councillor who speaks in the Municipal Council shall direct his speech strictly to the Motion or Proposal under discussion or to an explanation or a point of order and no discussion shall be allowed:

- (1) Which will anticipate any matter on the agenda; or
- (2) On any matter in respect of which a decision by a judicial or quasi-judicial body or commission of inquiry is pending.

12.4.0 POINTS OF ORDER AND EXPLANATION

12.4.1 Any Councillor, whether he has spoken under discussion or not, may rise:

- (1) on a Point of Order; or
- (2) on a Point of Personal Explanation,

and a Councillor so rising shall be entitled to be heard forthwith: provided that no new issues are introduced, unless the Speaker rules the Point of Order or the Point of Personal Explanation to be inadmissible.

12.4.2 The ruling of the Speaker on a Point of Order, or on the admissibility of a Point of Personal Explanation, shall be final and not open to discussion.

12.5.0 DISCUSSION ON SECOND PARTS OF REPORTS OF THE EXECUTIVE COMMITTEE

12.5.1 After the conclusion of the business on the first part of a Report of the Executive Committee, the Speaker shall allow discussion on the second part of such reports for a period not exceeding one hour.

12.5.2 During such discussion: -

- (1) no Proposal other than a Proposal that the Committee concerned be requested to reconsider the matter shall be made;
- (2) a Member may request that his opposition to a decision in the second part of the Executive Committee's report be minuted.

12.6.0 UNFINISHED BUSINESS

12.6.1 The discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next Ordinary Meeting of the Municipal Council.

12.6.2 A matter to be reconsidered shall be reported to the next Ordinary Meeting by the Speaker unless a Special Meeting for that purpose is convened.

12.6.3 If a Proposal to adjourn a Meeting of the Municipal Council has been carried, the Councillor on the floor at the adjournment shall, upon consideration of the matter forming the subject of such debate at the adjourned Meeting, be entitled to speak first.

12.7.0 ETIQUETTE OF DEBATING

- 12.7.1 A Member speaking at a Meeting shall remain seated and address the chair.
- 12.7.2 If a Member who is not speaking raises on a Point of Order or gives a personal explanation and such Member is addressed by the Presiding Officer, the Member then speaking shall be silent until the Presiding Officer has given a ruling.

13.0 Resolutions of Meetings

- 13.1 No resolution involving expenditure shall be taken at any Meeting until there is produced to the Presiding Officer of the Meeting a certificate from the Chief Financial Officer that provision is made in the Current Estimates for such expenditure, or, if the estimates for the Financial Year then current have not been adopted by the Municipal Council, that provision has been or will be made in the estimates for that Financial Year.

14.0 Unopposed Business

- 14.1 When a Meeting has been in progress for not less than two hours, the Speaker may interrupt the proceedings and direct that the Municipal Council proceed forthwith to dispose of unopposed business.
- 14.2 After the disposal of such business, the proceedings shall be resumed at the point at which they were interrupted.

15.0 Voting

- 15.1 A majority of the Members of a Municipal Council must be present before a vote may be taken on any matter.
- 15.2 Questions concerning the following matters are determined by a decision taken by the Municipal Council with a supporting vote of a majority of its Members: -
- (1) the passing of bylaws;
 - (2) the approval of budgets;
 - (3) the imposition of rates and other taxes, levies and duties; and
 - (4) the raising of loans.
- 15.3 All other questions before the Municipal Council or before any of its Committees are decided by a majority of the votes of Members cast.
- 15.4 If on any question there is an equality of votes, the Presiding Officer presiding at any Meeting shall exercise a casting vote in addition to that Councillor's vote as a Member.
- 15.5 Except where the law prescribes a secret ballot or the Municipal Council otherwise resolves by resolution, voting at a Meeting shall be by a show of hands of those Members entitled to vote.

- 15.6 A Member of a Meeting entitled to vote, may request that his vote be recorded against a decision of that Committee.
- 15.7 Whenever a vote is taken at a Meeting the votes of the Members shall be recorded by the Presiding Officer who shall declare the result of the voting.
- 15.8 The Presiding Officer shall thereafter declare the decision of the Meeting.
- 15.9 During the taking of a vote, no Member shall enter or leave the Municipal Council chamber or Committee room.

16.0 Casual Vacancies

- 16.1 If, for any reason, the Speaker ceases to hold office as such, the Municipal Manager shall convene a Special Meeting of the Municipal Council to elect a Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.
- 16.2 The provisions relating to Ordinary Meetings shall apply *mutatis mutandis* to any such Special Meeting.
- 16.3 If, for any reason, the Mayor ceases to hold office as such, the Speaker shall convene a Special Meeting of the Municipal Council to elect a Mayor in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.
- 16.4 A vacancy on a Committee shall be notified by the Speaker at the first Meeting of the Municipal Council after it has arisen and shall be filled by the Municipal Council in accordance with section 1.2.2.
- 16.5 The existence of a vacancy on any Committee shall not affect the validity of any of its decisions or proceedings.

PART II: SPECIAL COUNCIL AND COMMITTEE PROCEDURES

1.0 Removal of Speaker from Office

- 1.1 The Municipal Council may by resolution remove the Speaker from office.
- 1.2 Where a Councillor wishes to propose the removal of the Speaker, prior notice of an intention to move a Motion for the removal of the Speaker has to be given in accordance with Part I, section 7.1.0.

2.0 Dissolution of Committees

- 2.1 The Municipal Council may by resolution dissolve any Committee to Assist the Executive Committee.
- 2.2 Where a Councillor wishes to propose the dissolution of any Committee to Assist the Executive Committee, prior notice of an intention to move a Motion for such dissolution has to be given in accordance with Part I, section 7.1.0.

3.0 Removal of Members of Committees

- 3.1 The Municipal Council may by resolution remove any one, more than one or all Councillors from Membership of a Committee.
- 3.2 Where a Councillor wishes to propose the removal of any councillor from any Committee, prior notice of an intention to move a Motion for the removal of the councillor from such Committee has to be given in accordance with Part I, section 7.1.0.
- 3.3 If all the Members of the Executive Committee are removed, a new election of Members and of the Mayor must be held in terms of sections 45 and 48 of the Municipal Structures Act respectively.
- 3.4 The election of a Member or Members of an Executive Committee, following a removal from office in terms of this section, is subject to section 43 of the Municipal Structures Act.

4.0 Legislative Procedures

- 4.1 Only a Councillor or the Executive Committee of the Council may introduce a proposed Bylaw in the Municipal Council¹.
- 4.2 Where an individual Councillor introduces a proposed Bylaw at a Meeting of the Municipal Council,
- (1) he shall give no less than ten Days' Notice to the Municipal Manager and the Municipal Manager shall notify all Councillors accordingly; and
- (2) if the Municipal Council is of opinion that the proposed Bylaw be considered, the Municipal Council shall, by resolution, refer the matter back to the Executive Committee.
- 4.3 Where: -
- (1) any matter referred to in section 4.2 is referred back to the Executive Committee; or
- (2) the Executive Committee is of opinion that a proposed Bylaw be considered,
- the Executive Committee concerned shall request the Municipal Manager to publish a notice in the Newspapers of Record stating:
- (1) the purport of the proposed Bylaw;
- (2) that the draft Bylaw may be inspected at the Information Office and on the Municipal Council's Web Site should one have been established; and
- (3) that any person wishing to comment on the proposed Bylaw should submit his comments to the Speaker at his office on or before a date fourteen days after the date of publication¹.
- 4.4 Where comments are made and the Executive Committee is of opinion that detailed consideration needs to be given to any proposed Bylaw or for any other reason it is of such opinion, it shall establish a Working Group to consider the proposed Bylaw and report back to the Executive Committee.
- 4.5 If the Executive Committee is of opinion that such Bylaw should be passed, it shall recommend such to the Municipal Council and the Municipal Manager shall ensure that all Councillors have been given reasonable notice of the intention of the Executive Committee to introduce the proposed Bylaw in the Municipal Council.

4.6 A Bylaw is made by a decision taken by a Municipal Council: -

- (1) in accordance with the provisions of this Code; and
- (2) with a supporting vote of a majority of its Members.

4.7 A Bylaw may take effect on:

- (1) a future date determined in the Bylaw; or
- (2) in the event of no future date of application being provided for in the Bylaw, the date when the Bylaw is published in the *Official Gazette*.

4.8 A Bylaw may be enforced only after it has been published in the *Official Gazette*.

5.0 Suspension of Rules and Orders

5.1 A Councillor may in any Meeting of the Municipal Council, except during the course of a speech propose that any rule of order contained in this code or a Financial Regulation be suspended in respect of one item specified by her, provided that the Municipal Council shall not be competent to suspend any rules prescribed by law, nor any rules relating to misconduct by members, nor the disciplinary code, nor any of the following: Part I, s. 1.2, s. 8.1.1, s. 8.2.1, s. 8.3.1, s. 9.1.6, s. 0.1.7.

5.2 The proposer and one Councillor in opposition thereto may speak on such Proposal for not more than five minutes each but the seconder shall not speak beyond formally seconding the Proposal.

5.3 Such Proposal shall be put to the vote without further debate.

6.0 Exercise of Powers where the Council is not sitting

6.1 Whenever any matter of urgency arises:

- (1) during the period the Municipal Council is not in recess but it is not practicable to obtain a decision of the Municipal Council, or of the Executive Committee, such matter may on the recommendation of the Municipal Manager be decided by the Speaker or the Mayor as Presiding Officer of the Executive Committee, as the case may be;
- (2) during any period that the Municipal Council is in recess, such matter may be decided by the Speaker in consultation with the Mayor provided that if the matter refers to the business of the Council itself then the Municipal Manager shall consult with the Speaker.

6.2 The power conferred the Municipal Manager and the Mayor or Speaker, as the case may be, by section 6.1 shall include the power to incur expenditure: Provided that: -

- (1) a certificate from the Chief Financial Officer that provision has been made in the current estimates for such expenditure has been furnished to Municipal Manager and Mayor or Speaker (as the case may be);
- (2) no expenditure on capital account shall be incurred unless approved jointly by the Municipal Manager and the Mayor.

- 6.3 All matters decided in terms of section 6.1 shall be reported for ratification to the next Ordinary Meeting of the Municipal Council or of the Executive Committee: Provided that anything done pursuant thereto in the meantime shall be deemed to have been duly authorised by the Municipal Council or the Executive Committee.

7.0 Attendance at meetings by Councillors who are Non-Members

- 7.1 Any councillor may attend any Executive Committee meeting or meeting of any Committee to Assist the Executive Committee notwithstanding that he is a non-member of that committee.
- 7.2 Any councillor attending a meeting of a committee of which he is a non-member may not address that meeting unless he has been given permission thereto by the Presiding Officer.

PART III: THE RIGHTS OF RESIDENTS AND HUMAN RIGHTS¹

1.0 Petitions

- 1.1 Any Person may present a Petition to a Councillor.
- 1.2 A Councillor may at a Meeting of the appropriate Committee submit any such petition and may briefly state the purpose thereof.
- 1.3 A petition shall be referred to the Committee within whose Terms of Reference it falls or, in the absence of such Committee, to the Speaker, for consideration and report to the Municipal Council.

2.0 Deputations:

- 2.1 A deputation wishing to appear before the Municipal Council or a Committee shall submit a memorandum to the Mayor who shall submit it to the Committee within whose Terms of Reference it falls and the Committee or the Speaker, in the absence of such Committee, may if it or he considers it expedient, receive the deputation and deal with the matter raised in the memorandum at such reasonable time as it or he considers appropriate.
- 2.2 The Speaker may allow any deputation to appear before the Municipal Council without submission of a memorandum if, in his opinion, the matter concerned is of an urgent nature.
- 2.3 A deputation shall not consist of more than five Persons.
- 2.4 Except with the consent of the Presiding Officer or in reply to a question from a Member, only one from the deputation may address the Meeting.
- 2.5 A deputation may not address the Municipal Council for more than five minutes without the consent of the Speaker, but it may respond briefly to a question by a Councillor.

3.0 Referenda

- 3.1 The Municipal Council:
- (1) may by resolution, and,
- (2) on the petition of five hundred Residents, shall submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any matter or question affecting the interests of the Municipality or the part concerned.

- 3.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such Referendum.

4.0 Plebiscites

4.1 The Municipal Council:

- (1) may by resolution, and,
 - (2) on the petition of five hundred Residents, shall submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any proposed Bylaw for the Municipality or intended to be applicable only in the part concerned.
- 4.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such plebiscite.
- 4.3 In the event of the plebiscite being successful, the Speaker shall introduce the draft Bylaw into the Municipal Council for consideration.

5.0 Applications for Amendment of Bylaw:

5.1.0 REGULATORY FRAMEWORK:

- 5.1.1 The Municipal Manager may prescribe the procedures and forms for any Application for any amendment of any Bylaw.
- 5.1.2 The Municipal Manager shall publish any Regulatory Act, prescribed under section 5.1.1, on the Municipal Notice Board and such publication shall be deemed to be sufficient notice of any such Regulatory Act to all Persons concerned.
- ##### **5.2.0 APPLICATION PROCEDURE**
- 5.2.1 Any Person desiring any amendment of any Bylaw shall apply to the Speaker at the Municipal Office
- 5.2.2 Where the Municipal Manager has prescribed any form for any Application; such form shall be obtainable from the office of the Municipal Manager.
- 5.2.3 In considering any Application under section 5.2.1, the Speaker shall consider the legality of the proposed Bylaw and, if he deems it appropriate, report thereon to the Executive Committee.

6.0 Information, Privacy and Meetings

- 6.1 The Municipal Council must conduct its business in an open manner and shall, subject to sections 6.3, 6.4 and 6.5, ensure that meetings of the Municipal Council and its Executive Committee and other committees to assist the Executive Committee are open to residents in the Municipal District.
- 6.2 The Municipal Manager shall give notice to the public of the time, date and venue of every: -
- (a) Ordinary Meeting of the Municipal Council; and

- (b) Special Meeting of the Municipal Council, except when time constraints make this impossible, by placing a Notice under his hand containing such information on the Municipal Notice Board.
- 6.3 The Municipal Council shall, within the financial and administrative capacity of the Municipality, provide space for the public in the chambers and places where the Municipal Council meets.
- 6.4 The Speaker may take reasonable steps to regulate public access to Meetings of the Municipal Council.
- 6.5 The Speaker may close any Meeting or part of a Meeting of the Municipal Council to the public when it is reasonable to do so having regard to the nature of the business being transacted at such Meeting: Provided that the Speaker may not exclude the public when the Municipal Council is considering or voting on any of the following matters: -
- (1) a draft bylaw tabled in the Municipal Council;
 - (2) a budget tabled in the Municipal Council;
 - (3) the draft Integrated Development Plan of the Municipality, or any amendment of the plan, tabled in the Municipal Council;
 - (4) the draft Performance Management System for the Municipality or any amendment of the system, tabled in the Municipal Council; and
 - (5) a decision to enter into a Service Delivery Agreement being considered by the Municipal Council.
- 6.6 The Speaker may order any Member of the public to leave the chamber if he is of opinion that the behaviour of such Person is causing the proceedings of the Municipal Council to be disturbed and may call upon any Person to assist him to remove such Person from the chamber if such Person refuses to obey.
- 6.7 Any Member of the public who disobeys an order of the Speaker to leave the chamber shall be guilty of an offence and liable on conviction to a Criminal Fine or a period of imprisonment not exceeding six months.
- 6.8 Notwithstanding anything to the contrary in this Code, a Member may: -
- (1) at any time propose that a Meeting resolve itself into Closed Session; or
 - (2) if the Municipal Council or Committee concerned is in Closed Session as contemplated in paragraph (1), propose that for the further consideration of the matter concerned, the Municipal Council resolve itself out of Closed Session.
- 6.9 Where the Proposal is that the Municipal Council go into Closed Session, the proposer, the Presiding Officer of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on a Proposal for a period not exceeding five minutes each and shall restrict his speech to the reason why the Municipal Council should or should not resolve itself into or out of Closed Session, as the case may be, but the seconder shall not speak beyond formally seconding the Proposal.

- 6.10 If a Proposal that the Municipal Council go into Closed Session is adopted, the Speaker may, in his discretion, order that the public and the press, if present, and all officers of the Municipal Council, except those Persons allowed by the Speaker to remain, shall leave the place of the Meeting.
- 6.11 When the Municipal Council is in Closed Session, the provisions of this Code, except in so far as they are in conflict with this section, shall apply.
- 6.12 If, in the opinion of the Presiding Officer, information is disclosed or is about to be disclosed during a speech which may be prejudicial to the Municipal Council or the inhabitants of the Municipality, the Presiding Officer may direct the Member concerned to forthwith discontinue such speech.
- 6.13 If the Municipal Council resolves itself into or out of Closed Session during the debate on an item of business, the further debate on that item either in or out of Closed Session shall for all purposes be a continuation of the preceding debate on that item.
- 6.14 If the Municipal Council resolves itself into Closed Session, the Municipal Council shall at the conclusion of the consideration of the item concerned, revert to the consideration of further business out of Closed Session.
- 6.15 A decision of the Municipal Council in Closed Session shall be a decision of the Municipal Council.
- 6.16 The minutes relating to any item considered by the Municipal Council or a Committee in Closed Session shall, unless consideration of that item was concluded out of Committee, be kept separate from the other minutes of the Municipal Council.

7.0 The Right to Information

- 7.1 The Municipality shall, on demand, make available to the public at the office of Municipal Manager:
- (1) All Policy and Administrative Directives applicable in the Municipal Administration, which relate to the proper administration of any discretion vested in terms of any Bylaw;
 - (2) the names and business addresses of the Municipal Functionaries and a statement of their respective Powers in terms of any Bylaw;
 - (3) all Acts of Delegations by the Municipal Council or the, Executive Committee of powers to any Person in terms of any law;
 - (4) the names and business addresses of all Authorised Delegates and a statement of their respective powers, which are delegated to them;
 - (5) all Bylaws of the Municipality;
 - (6) all Proclamatory Acts by the Municipality in terms of any Bylaws;
 - (7) all Regulatory Acts by any Municipal Organ of State in terms of any Bylaws; and
 - (8) the minutes of all Meetings.

- 7.2 The Information Officer shall make available to the public all information about the financial interests of Councillors referred in the Public Part of the Register of Interests bearing in mind the Policy Directives of the Municipal Council with regard to the need for both confidentiality and the public interest in disclosure.
- 7.3 Any Person may inspect any instrument or information referred to in sections 7.1 and 7.2 during Office Hours at the Office of the Municipal Manager.
- 7.4 Every Person may, during Office Hours, make extracts from the instruments and information listed in sections 7.1 and 7.2 upon payment of the Tariff fee for copying.

APPROVAL OF THE POLICY

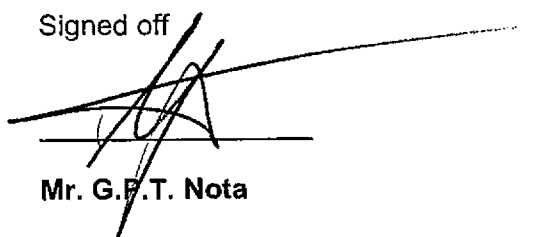
The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the 25/01/2019.....

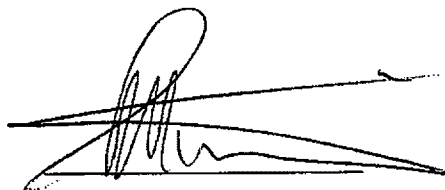
As per Council Resolution number UMMC 125.....

Signed off



Mr. G.P.T. Nota

Municipal Manager



Cllr. S.K Mnu kwa

Chairperson of the Council