

Provincial Gazette

Free State Province

Published by Authority

Provinsiale Koerant

Provinsie Vrystaat

Uitgegee op Gesag

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PROVINCIAL NOTICES

[NO. 148 OF 2009]**ELECTORAL COMMISSION****ELECTION TIMETABLE**

The Electoral Commission hereby gives notice that it has in terms of section 11 of the Local Government: Municipal Electoral Act, 2000, compiled the election timetable set out below to apply to the municipal by-elections to be held on 24 June 2009 in respect of Ward 5 of the Masilonyana [FS181] Municipality and Ward 11 of the Maluti a Phofung [FS194] Municipality and Ward 7 of the Ngwathe [FS203] Municipality as proclaimed by Provincial Notice number 145 of 2009 as published in the Provincial Gazette No. 35 of the Free State Province, dated 22 May 2009. A reference to "section" in this election timetable is a reference to that section in the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000).

Cut-off time for act to be performed

- 1 An act required in terms of this Act to be performed by not later than a date in the election timetable must be performed before 17:00 on that date, unless otherwise specified.

Certification of the voters' roll

- 2 By 29 May 2009 the chief electoral officer must certify the segments of the voters' roll for the voting districts to be used in the by-elections in terms of section 6(2)(a).

Notice that lists of addresses of voting stations are available for inspection

- 3 By 29 May 2009 the chief electoral officer must give notice that copies of a list of voting stations and their addresses will be available for inspection at the office of the Commission's local representative in terms of section 19(5).

Notice of route of mobile voting stations

- 4 If the Commission decides to use mobile voting stations in the by-elections, the Commission must by 29 May 2009 give notice of the route, including the locations and estimated times of stopping of each mobile voting station in terms of section 22(1).

Cut-off date for nomination of ward candidates to contest an election

- 5 By not later than 5 June 2009 at 17h00, the nomination of a person to contest the by-election in a municipality as a ward candidate must be submitted to the Commission's local representative on a prescribed form and in the prescribed manner in terms of section 17(1).

Cut-off date for compilation and certification of ward candidate lists

- 6 By 10 June 2009 the Commission must compile for each ward a list of ward candidates, certify those lists for that by-election, and keep copies of the lists available at the office of the Commission's local representative in terms of section 18 (1).

Cut-off date for issuing certificates

- 7 By 10 June 2009 the Commission must issue to each ward candidate contesting the by-election, a prescribed certificate in terms of section 18(1)(d).
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[NO. 149 OF 2009]

ELECTORAL COMMISSION

ELECTION TIMETABLE

The Electoral Commission hereby gives notice that it has in terms of section 11 of the Local Government: Municipal Electoral Act, 2000, compiled the election timetable set out below to apply to the municipal by-elections to be held on 8 July 2009 in respect of Ward 4, 13, 25 & 45 of the Mangaung [FS172] Municipality and Ward 16 of the Dihlabeng [FS192] Municipality and Ward 11 of the Metsimaholo [FS204] Municipality as proclaimed by Provincial Notice number 147 of 2009 as published in the Provincial Gazette No. 37 of the Free State Province, dated 29 May 2009. A reference to "section" in this election timetable is a reference to that section in the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000).

Cut-off time for act to be performed

- 3 An act required in terms of this Act to be performed by not later than a date in the election timetable must be performed before 17:00 on that date, unless otherwise specified.

Certification of the voters' roll

- 4 By 5 June 2009 the chief electoral officer must certify the segments of the voters' roll for the voting districts to be used in the by-elections in terms of section 6(2)(a).

Notice that lists of addresses of voting stations are available for inspection

- 3 By 5 June 2009 the chief electoral officer must give notice that copies of a list of voting stations and their addresses will be available for inspection at the office of the Commission's local representative in terms of section 19(5).

Notice of route of mobile voting stations

- 4 If the Commission decides to use mobile voting stations in the by-elections, the Commission must by 5 June 2009 give notice of the route, including the locations and estimated times of stopping of each mobile voting station in terms of section 22(1).

Cut-off date for nomination of ward candidates to contest an election

- 5 By not later than 19 June 2009 at 17h00, the nomination of a person to contest the by-election in a municipality as a ward candidate must be submitted to the Commission's local representative on a prescribed form and in the prescribed manner in terms of section 17(1).

Cut-off date for compilation and certification of ward candidate lists

- 6 By 24 June 2009 the Commission must compile for each ward a list of ward candidates, certify those lists for that by-election, and keep copies of the lists available at the office of the Commission's local representative in terms of section 18 (1).

Cut-off date for issuing certificates

- 7 By 24 June 2009 the Commission must issue to each ward candidate contesting the by-election, a prescribed certificate in terms of section 18(1)(d).
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TOWNSHIPS BOARD NOTICE

It is hereby notified for general information in terms of section 30 read with section 27 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1210, 12th Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than **16:00 on Friday, 3 July 2009.**

a) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises:

- (1) the insertion of the new zoning "Private Open Space" to Clause 9, Table C of the Town-Planning Scheme to read as follows:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land may be used with the approval of the Municipal Council
Private Open Space Portion 1 of Plot 3, Rayton Small Holdings, Bloemfontein (Bainsvlei)	Green crosshatch	Sports Clubs Open Spaces Recreational Area	Places of Assembly

- (2) **Inclusion of General Restrictions where no sub zoned restrictions apply to Clause 9, Table C of the Scheme in respect of the following Special Use Zonings:**

PRIVATE OPEN SPACE

Description	Erf 5, a new erf in the proposed township over Portion 1 of Plot 3, Rayton Small Holdings (in anticipation of final erf numbers)
Permitted Uses	A private recreation area for use as sports clubs, open space and recreational area
Bulk	0,25
Coverage	25%

DORPERAADSKENNISGEWING

Ingevolge artikel 30 saamgelees met artikel 27 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumente en inligting ter insae lê in die Lebohang Gebou, Kamer 1210, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Personne wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of verhoër in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnummers) sodat besware/verhoë met volledige redes, bogenoemde kantoor bereik nie later nie as **16:00 op Vrydag, 3 Julie 2009.**

a) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels:

- (1) die invoeging van die nuwe sonering "Privaat Oop Ruimte" tot Klousule 9, Tabel C, van die Dorpsaanlegskema om as volg te lees:

Gebruiksone	Hoe op kaart aangewys	Doelindes waarvoor grond gebruik mag word	Doelindes waarvoor grond met toestemming van die Munisipale Raad gebruik mag word
Privaat Oop Ruimte Gedeelte 1 van Hoewe 3, Rayton Kleinplase, Bloemfontein (Bainsvlei)	Groen kruisarsering	Sportklub Oopruimte Ontspanningsarea	Plekke van samekoms

- (2) **Insluiting van Algemene Beperkings waar geen onderstreek beperkings van toepassing is nie tot Klousules 9, Tabel C van die Skema met betrekking tot die volgende Spesiale Gebruiksonerings:**

PRIVAAT OOP RUIMTE

Erfbeskrywing	Erf 5, 'n nuwe erf in die voorgestelde dorp oor Gedeelte 1 van Hoewe 3 van Rayton Kleinhoewes. (in afwagting van finale erfnummers).
Toegelate gebruike	'n Privaat ontspanningsarea vir gebruik as sportklub, oop ruimte en ontspanningsarea
Vloer ruimte verhouding	0,25
Dekking	25%

Height	Double Storey
Spaces about	7m along street boundaries and 3m along the side and rear boundaries
Parking	According to Section 25(1) of the Town Planning Scheme
Other	None

The above-mentioned amendment is necessary in order to enable the applicant to develop approximately 38 townhouses as well as a private open space on the mentioned property.

b) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the new zoning "Special Use 65", to Clause 9, Table C of the Town-Planning Scheme to read as follows:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land may be used with the approval of the Municipal Council
"Special Use 65" The Remainder of the farm Vredenhof 2316, Bloemfontein (Bainsvlei)	Orange	Nursery not larger than 3000m ² (including in- and outdoor display areas) and coffee shops and restaurants not larger than 800m ² (GLA) Height: two storeys Parking: Restaurants: 6 parking spaces per 100m ² GLA; Nursery: 1 parking spaces per 100m ² GLA Access: To the satisfaction of the General Manager: Planning	None

The above-mentioned amendment is necessary in order to enable the applicant to establish a nursery, coffee shops and restaurants on the mentioned property.

c) BLAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the new zoning "Special Use 61", to Section 9, Table C of the Town-Planning Scheme to read as follows:

Hoogte	Dubbelverdieping
Syruimtes	7m van of die straatgrens en 3m langs enige van sy of agterste grense
Parkering	Volgens artikel 25(1) van die Dorpsaanlegskema
Ander	Geen

Bogemelde wysiging is nodig ten einde die applikant in staat te stel om ongeveer 38 meenthuise asook 'n privaat oop ruimte op die gemelde eiendom te ontwikkel.

b) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels die invoeging van die nuwe sonering "Spesiale Gebruik 65" tot Klousule 9, Tabel C, van die Dorpsaanlegskema om as volg te lees:

Gebruiksone	Hoe op kaart aangewys	Doeleindes waarvoor grond gebruik mag word	Doeleindes waarvoor grond met toestemming van die Munisipale Raad gebruik mag word
"Spesiale Gebruik 65" Die Restant van die plaas Vredenhof 2316, Bloemfontein (Bainsvlei)	Oranje	Kwekery nie groter as 3000m ² (insluitend binne- en buite vertoonlokale) en koffie winkels en restaurante nie groter as 800m ² (BVO) Hoogte: twee verdiepings Parkering: Restaurante: 6 parkerings per 100m ² BVO; Kwekery: 1 parkering per 100m ² BVO Toegang: Tot bevrediging van die Algemene Bestuurder: Beplanning	Geen

Bogemelde wysiging is nodig ten einde die applikant in staat te stel om 'n kwekery, koffiewinkels en restaurante op die gemelde eiendom op te rig.

c) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels die invoeging van die nuwe sonering "Spesiale Gebruik 61" tot Artikel 9, Tabel C, van die Dorpsaanlegskema om as volg te lees:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land in a use zone may be used with the consent of the Municipal Council	Gebruiksonse	Hoe op kaart aange-wys	Doeleindes waarvoor grond gebruik mag word	Doeleindes waarvoor grond in 'n gebruiksonse met met goedkeuring van die Munisipale Raad gebruik mag word
<p>"Special Use 61"</p> <p>Plot 5, Stirling Small Holdings, Bloemfontein (Bainsvlei)</p>	<p>Orange marked "S"</p>	<p>Permitted uses:</p> <p>Motor and Truck Dealership including showrooms, workshops, car and truck wash facilities, selling of parts, security room as well as training facilities for staff and administrative offices for motor dealer-ships purposes only.</p> <p>The development will be restricted to a maximum permissible gross leasable area of 9700m².</p> <p>Height:</p> <p>15m</p> <p>Parking:</p> <p>General parking standards in terms of Section 25 of the Bainsvlei Town Planning Scheme No. 1 of 1984.</p> <p>Vehicle entrances and exits:</p> <p>Vehicle entrances and exits to and from the site must be to the satisfaction of the General Manager: Planning: Mangaung Local Municipality.</p> <p>Building line from Muller Road (T5029):</p> <p>15m from the road reserve boundary.</p> <p>Building line from Old Kimberley Road (R64):</p> <p>20m from the road reserve boundary.</p> <p>Building line from Dr Van Schalkwyk Road:</p> <p>15m from the road reserve boundary.</p> <p>Building line from Sterling Road:</p> <p>15m from the road reserve boundary.</p>	<p>None</p>	<p>"Spesiale Gebruik 61"</p> <p>Hoewe 5, Stirling Klein-hoewes, Bloemfontein (Bainsvlei)</p>	<p>Oranje gemerk "S"</p>	<p>Toelaatbare gebruike:</p> <p>Motor en Vragmotor Handelaar insluitende vertoonlokale, werks-winkels, motor en vragmotor wasfasiliteit, verkoop van parte, sekuriteitskamer, asook opleiding fasiliteite vir personeel en administratiewe kantore slegs vir doeleindes van motorhandelaar gebruike.</p> <p>Die ontwikkeling sal beperk wees tot 'n maksimum toelaatbare bruto verhuurbare oppervlakte van 9700m².</p> <p>Hoogte:</p> <p>15m</p> <p>Parkering:</p> <p>Algemene parkeer standaard in terme van Artikel 25 van die Bainsvlei Dorpsaanlegskema nr. 1 van 1984.</p> <p>Voertuig ingange en uitgange:</p> <p>Voertuig in- en uitgange na en van die perseel moet wees tot bevrediging van die Algemene Bestuurder: Beplanning: Mangaung Plaaslike Munisipali-teit.</p> <p>Boulyn vanaf Muller Rylaan (T5029):</p> <p>15m vanaf die padreserwe grens</p> <p>Boulyn vanaf Ou Kimberley Pad (R64)</p> <p>20m vanaf die padreserwe grens</p> <p>Boulyn vanaf Dr van Schalkwyk Rylaan:</p> <p>15m vanaf die padreserwe grens</p> <p>Boulyn vanaf Sterling Rylaan:</p> <p>15m vanaf die padreserwe grens</p>	<p>None</p>

		<p>Additional requirements:</p> <p>Parking must be shaded by the optimal use of existing trees and trees must be planted and maintained at a minimum ratio of one tree providing shade for every two parking bays in the case of single rows of parking, or one tree providing shade for every four parking bays in the case of double rows of parking, in such a manner that shade is provided for all passenger vehicles parking bays to the satisfaction of the General Manager: Parks & Cemeteries. The remaining portion of the premises that is not used for the dealership or parking may only be used as landscaping.</p>	
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		<p>Addisionele vereistes:</p> <p>Parkering moet oorskadu word deur die optimale gebruik van bestaande bome en bome moet aangeplant en onderhou word teen 'n minimum verhouding van een boom vir die voorsiening van skadu vir elke twee parkeerplekke in die geval van enkelryparkering, of een boom vir die voorsiening van skadu vir elke vier parkeerplekke in die geval van dubbelryparkering op so 'n wyse dat alle passasiersvoertuig parkeerplekke oor-skadu word tot bevrediging van die Algemene Bestuur: Parke en Begraafplase. Die gedeelte van die erf wat nie vir besigheid of parkering gebruik word nie, mag slegs vir land-skapping gebruik word.</p>	
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The above-mentioned amendment is necessary in order to enable the applicant to operate a motor and truck dealership with above mentioned ancillary uses on the said property.

Bogemelde wysiging is nodig ten einde die applikant in staat te stel om 'n motor en vragmotor handelaar met bogenoemde gebruike, op die gemelde eiendom te bedryf.

d) BLOEMSPRUIT: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the new zoning "Special Use 24", to Section 23, Table IV, of the Town-Planning Scheme to read as follows:

d) BLOEMSPRUIT: WYSIGING VAN DIE DORPSAANLEG-SKEMA:

Die wysiging behels die toevoeging van die nuwe sonering "Spesiale Gebruik 24" tot Artikel 23, Tabel IV, van die Dorpsaanlegskema om as volg te lees:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land in a use zone may be used with the approval of the Municipal council
"Special Use 24" Plot 7, Estoire Settlement, 7 De Bloem Avenue, Bloemfontein (Bloemfontein)	Orange 1	<p>The total development on Plot 7 Estoire Settlement, District Bloemfontein, Province Free State, will be restricted to a maximum permissible gross leasable area (GLA) of 18 000m².</p> <p>Permissible uses:</p> <p>Warehouses</p> <p>Coverage:</p> <p>80%</p> <p>Height:</p> <p>Refer to Section 24 of the Bloemfontein Town Planning Scheme No. 1 of 1986.</p> <p>Parking:</p> <p>Refer to Table F in the Bloemfontein Town Planning Scheme No. 1 of 1986.</p>	None

Gebruiksonne	Hoe op kaart aangewys	Doelindes waarvoor grond gebruik mag word	Doelindes waarvoor grond in 'n gebruiksonne met goedkeuring van die Munisipale Raad gebruik mag word
"Spesiale Gebruik 24" Hoewe 7, Estoire Nedersetting, De Bloemlaan 7, Bloemfontein (Bloemfontein)	Oranje 1	<p>Die totale ontwikkeling op Hoewe 7 Estoire Nedersetting, Distrik Bloemfontein, Provinsie Vrystaat, sal beperk wees tot 'n maksimum toelaatbare bruto verhuurbare oppervlakte (BVO) van 18 000m²</p> <p>Toelaatbare gebruike:</p> <p>Pakhuisse</p> <p>Dekking:</p> <p>80%</p> <p>Hoogte:</p> <p>Verwys na Artikel 24 van die Bloemfontein Dorpsaanlegskema Nr. 1 van 1986.</p> <p>Parkering:</p> <p>Verwys na Tabel F in die Bloemfontein Dorpsaanlegskema Nr. 1 van 1986.</p>	Geen

		<p><u>Building lines:</u></p> <p>Refer to Sections 6 and 7 of the Bloemspruit Town Planning Scheme No. 1 of 1986.</p> <p><u>Vehicle entrances and exits:</u></p> <p>To the satisfaction of the Mangaung Local Municipality.</p> <p><u>Additional requirements:</u></p> <p>Parking must be shaded by the optimal use of existing trees and trees must be planted and maintained at a minimum ratio of one tree providing shade for every two parking bays in the case of single rows of parking, or one tree providing shade for every four parking bays in the case of double rows of parking, in such a manner that shade is provided for all passenger vehicle parking bays to the satisfaction of the General Manager: Parks and Cemeteries. The remaining portion of the premises that is not used for business or parking may only be used as landscaping.</p>	
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		<p><u>Boulyne:</u></p> <p>Verwys na Artikels 6 en 7 van die Bloemspruit Dorpsaanslegkema Nr. 1 van 1986.</p> <p><u>Voertuig in- en uitgange:</u></p> <p>Tot bevrediging van die Mangaung Plaaslike Munisipaliteit.</p> <p><u>Adisionele vereistes:</u></p> <p>Parkeerplekke moet oorskadu word deur die optimale gebruik van bestaande bome en bome moet aangeplant en onderhou word teen 'n minimum verhouding van een boom vir elke twee parkeerplekke in die geval van enkelry-parkeerplekke, of een boom vir die voorsiening van skadu vir elke vier parkeerplekke in die geval van dubbely-parkeerplekke, op so 'n wyse dat alle passasiersvoertuig parkeerplekke oorskadu word tot bevrediging van die Algemene Bestuurder: Parke en Begraafplase. Die gedeelte van die erf wat nie vir besigheid of parkeerplekke gebruik word nie, mag slegs vir landskappering gebruik word.</p>	
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The above-mentioned amendment is necessary in order to enable the applicant to utilize the property for the development of storage facilities.

Bogemelde wysiging is nodig ten einde die applikant in staat te stel om die eiendom vir die oprigting van stoorfasiliteite aan te wend.

TOWNSHIPS BOARD NOTICE

It is hereby notified for general information in terms of section 18 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1210, 12th Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than **16:00 on Friday, 17 July 2009**.

DORPERAADSKENNISGEWING

Ingevolge artikel 18 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumente en inligting ter insae lê in die Lebohang Gebou, Kamer 1210, 12de Vloer, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Persone wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of verhoë in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnommers) sodat besware/verhoë met volledige redes, bogenoemde kantoor bereik nie later as **16:00 op Vrydag, 17 July 2009**.

a) BAINSVLEI: (REFERENCE A12/1/2/7)

Amend the General Plan of Bainsvlei by the cancellation of Portion 1 of Plot 3, Rayton Small Holdings, Bloemfontein (Bainsvlei), in order to make township establishment possible.

b) SASOLBURG: (REFERENCE A12/1/2/130)

Proposed amendment of the General Plan of Sasolburg, Extension 66 by the cancellation of erf 25791, Sasolburg, in order to make township establishment possible on the said property.

a) BAINSVLEI: (VERWYSING A12/1/2/7)

Wysig die Algemene Plan van Bainsvlei deur die rojering van Gedeelte 1 van Hoewe 3, Rayton Kleinplase, Bloemfontein (Bainsvlei), ten einde dorpstigting moontlik te maak.

b) SASOLBURG: (VERWYSING A12/1/2/130)

Voorgestelde wysiging van die Algemene Plan van Sasolburg, Uitbreiding 66 deur die rojering van erf 25791, Sasolburg, ten einde dorpstigting op gemelde eiendom moontlik te maak.

TOWNSHIPS BOARD NOTICE

It is hereby notified for general information in terms of the provisions of section 9(1) of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that application has been made for permission to establish a town on the under mentioned land:

a) BLOEMFONTEIN (BAINSVLEI): LAND DEVELOPMENT ON PORTION 1 OF PLOT 3, RAYTON SMALL HOLDINGS: 5 ERVEN

To establish a town on portion 1 of Plot 3, Rayton Small Holdings, Bainsvlei, Administrative District of Bloemfontein.

b) DEWETSDORP: PROPOSED LAND DEVELOPMENT: 516 ERVEN

To establish a town on the Remainder of the farm Kareefontein No. 66, Administrative District Dewetsdorp.

c) ORANJEVILLE: PROPOSED LAND DEVELOPMENT: 10 ERVEN

To establish a town on a portion of Portion 1 of the farm Deel D nr 1254, Administrative District of Frankfort.

d) SASOLBURG: PROPOSED LAND DEVELOPMENT: 2 ERVEN (PHASE 2)

To establish a town on a portion of Portion 2 of the farm Rietfontein 251, Administrative district of Parys.

e) SASOLBURG: PROPOSED LAND DEVELOPMENT: 13 ERVEN – HERON BANKS GOLF AND RIVER ESTATE

To establish a town on erf 25791, Extension 66, Sasolburg (Heron Banks Golf and River Estate), Administrative District of Parys.

f) WEPENER: PROPOSED LAND DEVELOPMENT: 401 ERVEN

To establish a town on the Remainder of the Farm De Wepener Townlands No. 178, Administrative District Wepener.

DORPERAADSKENNISGEWING

Ingevolge die bepalings van artikel 9(1) van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat aansoek gedoen is om toestemming vir die stigting van 'n dorp op die ondergemelde gedeelte:

a) BLOEMFONTEIN (BAINSVLEI): DORPSTIGTING OP GEDEELTE 1 VAN HOEWE 3, RAYTON KLEINPLASE: 5 ERWE

Die stigting van 'n dorp op op gedeelte 1 van Hoewe 3, Rayton Kleinplase, Bainsvlei, Administratiewe Distrik Bloemfontein.

b) DEWETSDORP: VOORGESTELDE DORPSTIGTING: 516 ERWE

Die stigting van 'n dorp op die Restant van die Plaas Kareefontein No. 66, Administratiewe distrik Wepener.

c) ORANJEVILLE: BEOOGDE DORPSTIGTING: 10 ERWE

Die stigting van 'n dorp op 'n gedeelte van Gedeelte 1 van die plaas Deel D nr 1254, Administratiewe Distrik Frankfort.

d) SASOLBURG: BEOOGDE DORPSTIGTING: 2 ERWE (FASE 2)

Die stigting van 'n dorp op 'n gedeelte van Gedeelte 2 van die plaas Rietfontein 251, Administratiewe distrik Parys.

e) SASOLBURG: BEOOGDE DORPSTIGTING: 13 ERWE – HERON BANKS GOLF EN RIVIER LANDGOED

Die stigting van 'n dorp op erf 25791, Uitbreiding 66, Sasolburg (Heron Banks Golf and Rivier Landgoed), Administratiewe Distrik Parys.

f) WEPENER: VOORGESTELDE DORPSTIGTING: 401 ERWE

Die stigting van 'n dorp op die Restant van die Plaas De Wepener No. 178, Administratiewe distrik Wepener.

The application/s, relevant plans, documents and information will be available for inspection during office hours at the office of the Secretary of the Townships Board, Room 1216, Lebohang Building, 84 St. Andrew Street, Bloemfontein for a period of 30 days from the date of publication hereof, i.e. **19 June 2009**.

Any person has an interest in the matter and who wishes to object to the granting of the application or who desires to be heard, or wants to make representations concerning the matter, must communicate in writing with the Secretary of the Townships Board at the above-mentioned address, or P.O. Box 211, Bloemfontein, within a period of 30 days from the date of publication hereof, i.e. **20 July 2009**.

SECRETARY: TOWNSHIPS BOARD

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above-mentioned Act that the following applications have been received by the Head of the Department: Local Government and Housing and will lie for inspection at Office 1210, twelfth floor, Lebohang Building, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authorities.

Any person who wishes to object to the granting of an application, may communicate in writing with the Head of the Department: Local Government and Housing, Spatial Planning Directorate, Land Use Management Component, at the above address or P.O. Box 211, Bloemfontein, 9300. Objection(s) stating comprehensive reasons, in duplicate, must reach this office not later than **16:00 on Friday, 17 July 2009**. The postal address, street address and telephone numbers(s) of objectors must accompany written objections.

a) BAINSVLEI: (REFERENCE A12/1/9/1/2/7)

Plot 61, Spitskop Small Holdings, Swartberg Avenue, Bloemfontein (Bainsvlei), for the removal of restrictive conditions (a), (b), (c) and (d) on page 2 in Deed of Transfer T6811/1996 pertaining to the said smallholding, in order to enable the applicant to build a second dwelling on the property.

b) BAINSVLEI: (REFERENCE A12/1/9/1/2/7)

Plot 5, Annasrust Small Holdings, 5 Annasrust Avenue, Bainsvlei (Bloemfontein), for the removal of restrictive conditions C.1., C.2., C.3. and C.4. on pages 2 and 3 in Deed of Transfer T9923/2005, pertaining to the said plot, in order to enable the applicant to erect a second dwelling on the property.

Die aansoek/e tesame met die betrokke planne, dokumente en inligting lê gedurende kantoorure ter insae in die kantoor van die Sekretaris, Dorperaad, Kamer 1206, Lebohang Gebou, St. Andrewstraat 84, Bloemfontein, vir 'n tydperk van 30 dae van publikasie hiervan, naamlik **19 Junie 2009**.

Enige persoon wat 'n belang by die saak het en wat teen die toestaan van die aansoek beswaar wil maak of wat verlang om in die saak gehoor te word of verhoë in verband daarmee wil indien, moet binne 30 dae na die datum van plasing hiervan; naamlik **20 Julie 2009** skriftelik met die Sekretaris van die Dorperaad by bovermelde adres of Posbus 211, Bloemfontein, in verbinding tree.

SEKRETARIS: DORPERAAD

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967)

Hierby word ingevolge artikel 3(6) van die bogenoemde Wet bekend gemaak dat die volgende aansoeke deur die Departementshoof: Plaaslike Regering en Behuising ontvang is en ter insae lê in kamer 1210, twaalfde vloer, Lebohang Gebou, St Andrewstraat 84, Bloemfontein en by die kantore van die betrokke Plaaslike Besture.

Enige persoon wat teen die toestaan van die aansoeke beswaar wil maak, kan met die Departementshoof: Plaaslike Regering en Behuising, Direktoraat Ruimtelike Beplanning, Grondgebruik Bestuur Komponent, Posbus 211, Bloemfontein, 9300 skriftelik in verbinding tree. Besware met volledige redes in tweevoud, moet hierdie kantoor nie later nie as **16:00 op Vrydag, 17 Julie 2009** bereik. Beswaarmakers se pos-en straatadres en telefoonnommer(s) moet skriftelike besware vergesel.

a) BAINSVLEI: (VERWYSING A12/1/9/1/2/7)

Hoewe 61, Spitskop Kleinplase, Swartberglaan, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaardes (a), (b), (c) en (d) op bladsy 2 in Transportakte T6811/1996 ten opsigte van die gemelde kleinplase, ten einde die applikant in staat te stel om 'n tweede woning op die eiendom op te rig.

b) BAINSVLEI: (VERWYSING A12/1/9/1/2/7)

Hoewe 5, Annasrust Kleinplase, Annasrustlaan 5, Bainsvlei (Bloemfontein), vir die opheffing van beperkende voorwaardes C.1., C.2., C.3. en C.4. op bladsye 2 en 3 in Transportakte T9923/2005, ten opsigte van die gemelde hoewe, ten einde die applikant in staat te stel om 'n tweede woning op die eiendom op te rig.

c) BAINSVLEI: (REFERENCE A12/1/9/1/2/7)

Plot 1, Ednau Agricultural Plots, Abrahamskraal Road, Bloemfontein (Bainsvlei), for the removal of restrictive conditions (b), (c) and (d) on page 2 in Deed of Transfer T439/1996 pertaining to the said plot, in order to enable the applicant to erect a second dwelling on the property.

d) BAINSVLEI: (REFERENCE A12/1/9/1/2/7 16/09)

The Remainder of the farm Vredenhof 2316, Van Blerk Avenue, Bloemfontein (Bainsvlei) for the removal of restrictive conditions I and II on page 3 in Deed of Transfer T27406/1997 pertaining to the mentioned farm, as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of the said plot from "Holdings" to "Special Use 65", in order to enable the applicant to establish a nursery, coffee shops and restaurants on the mentioned property.

e) BAINSVLEI: (REFERENCE A12/1/9/1/2/7 1/08)

Plot 5, Stirling Small Holdings, Muller Road, Bloemfontein (Bainsvlei) for the removal of restrictive conditions (a), (b), (c) and (i), (ii), (iii), (iv), (v) and (vi) on pages 2 and 3 in Deed of Transfer T20835/2007, pertaining to the mentioned plot, as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of the said plot from "Holdings" to "Special Use 61", in order to enable the applicant to establish a motor and truck dealership (including showrooms, workshops, washing facilities, selling of parts, security room, training facilities for staff and administrative offices), on the mentioned property.

f) BETHLEHEM: (EXTENSION 20): (REFERENCE A12/1/9/1/2/14 (8/08))

Erf 1801, situated at 8 Robertson Street, Extension 20, Bethlehem, for the removal of restrictive title conditions 1.(a) and (b) on page 2 in Deed of Transfer T4616/2008, in order to enable the applicant to subdivide the said erf and develop a school on the proposed subdivision.

g) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13(19/09))

Portion 1 of erf 578, 9 Barnes Street, Westdene, Bloemfontein for the amendment of the Town-Planning Scheme of Bloemfontein by the rezoning of Portion 1 of erf 578, Westdene, Bloemfontein from "General Residential 2" - Subzone "B" to "Restricted Business 1" to enable the applicant to utilize the said erf for office purposes.

c) BAINSVLEI: (VERWYSING A12/1/9/1/2/7)

Hoewe 1, Ednau Landbouhoewes, Abrahamskraalpad, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaarde (b), (c) en (d) op bladsy 2 in Transportakte T439/1996 ten opsigte van die gemelde hoewe ten einde die applikant in staat te stel om 'n tweede woning op die eiendom op te rig.

d) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 16/08)

Die Restant van die plaas Vredenhof 2316, Van Blerklaan, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaardes I en II op bladsy 3 in Transportakte T27406/1997 ten opsigte van die gemelde plaas, asook vir die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonering van gemelde hoewe vanaf "Hoewes" na "Spesiale Gebruik 65", ten einde die applikant in staat te stel om 'n kwekery, koffiewinkels en restaurante op die gemelde eiendom op te rig.

e) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 1/08)

Hoewe 5, Stirling Kleinhoewes, Mullerweg, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaardes (a), (b), (c) en (i), (ii), (iii), (iv), (v) en (vi) op bladsye 2 en 3 in Transportakte T20835/2007, ten opsigte van die gemelde hoewe, asook vir die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonering van gemelde hoewe vanaf "Hoewes" na "Spesiale Gebruik 61", ten einde die applikant in staat te stel om 'n motor en vragmotor handelaar (insluitend vertoonlokale, werksinkels, wasfasiliteite, verkoop van parte, sekuriteitskamer, opleidingfasiliteite vir personeel en administratiewe kantore), op die gemelde eiendom op te rig.

f) BETHLEHEM: (UITBREIDING 20): (VERWYSING A12/1/9/1/2/9)

Erf 1801, geleë te Robertsonstraat 8, Uitbreiding 20, Bethlehem, vir die opheffing van beperkende Titel voorwaardes 1.(a) en (b) op bladsy 2 in Transportakte T4616/2008 ten einde die applicant in staat te stel om gemelde erf onder te verdeel en 'n skool op die voorgestelde onderverdeling op te rig.

g) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13(19/09))

Gedeelte 1 van erf 578, Barnesstraat 9, Westdene, Bloemfontein vir die wysiging van die Dorpsaanlegskema van Bloemfontein deur die hersonering van Gedeelte 1 van erf 578, Westdene, Bloemfontein vanaf "Algemene Woon 2" – Onderstreek "B" na "Beperkte Besigheid 1" ten einde die applikant in staat te stel om die gemelde erf vir kantoor-doeleindes aan te wend.

h) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 9591, 65 Hippocrates Avenue, Bloemfontein, Extension 54 (Hospital Park), for the removal of restrictive condition B.(c) on page 2 in Deed of Transfer T23393/2007 to enable the applicant to build a second dwelling on the said erf.

i) BLOEMSPRUIT: (REFERENCE A12/1/9/1/2/14 (8/08))

Plot 7, Estoire Settlement, 7 De Bloem Avenue, Bloemfontein (Bloemspruit) for the removal of restrictive conditions 1. and 2. on page 2 in Deed of Transfer T27743/2007 pertaining to the said plot, as well as the amendment of the Town-Planning Scheme of Bloemspruit by the rezoning of Plot 7, Estoire Settlement, Bloemfontein (Bloemspruit), from "Agricultural Dwelling 2" to "Special Use 24", in order to enable the applicant to utilize the said plot for warehouse purposes.

j) BLOEMSPRUIT:(REFERENCE A12/1/9/1/2/14)

Plot No. 128, Hoeveld Small Holdings, Bloemfontein (Bloemspruit), [as indicated on the diagram that accompanied the application and which is available at the above-mentioned addresses], for the removal of restrictive conditions (a), (b), (c) and (d) on page 2 in Deed of Transfer T7704/2007, pertaining to the said plot, in order to enable the applicant to subdivide the plot into 4 portions.

k) DENEYSVILLE (REFERENCE A12/1/9/1/2/37)

Erf 1353 situated at 128 Union Road, Extension 3, Deneysville for the removal of restrictive title condition 1. on page 3 in Deed of Transfer T8145/03 in order to enable the applicant to subdivide the said erf and to erect a residential dwelling on the proposed subdivision.

l) KROONSTAD: (REFERENCE A12/1/9/1/2/80)

Erf 1062, 19 Van Reenen Street, Wilgenhof, Kroonstad (Extension 5) for the removal of restrictive condition A.(c) on page 2 in Deed of Transfer T17912/2007, in order to enable the applicant to subdivide the said erf for residential purposes.

m) LADYBRAND: (REFERENCE A12/1/9/1/2/81 (01/09))

The Remainder of erf 228, 53 Nuwe Street, Ladybrand, for the amendment of the Town-Planning Scheme of Ladybrand by the rezoning of the said erf from "Special Residential" to "General Residential", to enable the applicant to operate a guest house from the erf.

h) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 9591, Hippocrateslaan 65, Bloemfontein, Uitbreiding 54 (Hospitaalpark), vir die opheffing van beperkende voorwaarde B.(c) op bladsy 2 in Transportakte T23393/2007 ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

i) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14 (8/08))

Hoewe 7, Estoire Nedersetting, De Bloemlaan 7, Bloemfontein (Bloemspruit), vir die opheffing van beperkende voorwaardes 1. en 2. op bladsy 2 in Transportakte T27743/2007 ten opsigte van die gemelde hoewe, asook vir die wysiging van die Dorpsaanlegskema van Bloemspruit deur die hersonering van Hoewe 7, Estoire Nedersetting, Bloemfontein (Bloemspruit), vanaf "Landbou Woon 2" na "Spesiale Gebruik 24", ten einde die applikant in staat te stel om die gemelde eiendom vir stoorfasiliteite aan te wend.

j) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14)

Hoewe No. 128, Hoeveld Kleinplase, Bloemfontein (Bloemspruit), [soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is], vir die opheffing van beperkende voorwaardes (a), (b), (c) en (d) op bladsy 2 in Transportakte T7704/2007 ten opsigte van die gemelde hoewe, ten einde die hoewe in 4 gedeeltes onder te verdeel.

k) DENEYSVILLE: (VERWYSING A12/1/9/1/2/37)

Erf 1353 geleë te Unionweg 128, Uitbreiding 3, Deneysville vir die opheffing van beperkende Titel voorwaarde 1. op bladsy 3 in Transportakte T8145/03 ten einde die applikant in staat te stel om gemelde erf in twee dele onder te verdeel en 'n woonhuis op die voorgestelde onderverdeling op te rig.

l) KROONSTAD: (VERWYSING A12/1/9/1/2/80)

Erf 1062, Van Reenenstraat 19, Wilgenhof, Kroonstad (Uitbreiding 5) vir die opheffing van beperkende voorwaarde A.(c) op bladsy 2 in Transportakte T17912/2007, ten einde die applikant in staat te stel om die gemelde erf onder te verdeel vir residensiële doeleindes.

m) LADYBRAND: (VERWYSING A12/1/9/1/2/81 (01/09))

Die Restant van erf 228, Nuwestraat 53, Ladybrand, vir die wysiging van die Dorpsaanlegskema van Ladybrand deur die hersonering van gemelde erf vanaf "Spesiale Woon" na "Algemene Woon", ten einde die applikant in staat te stel om 'n gastehuis vanaf die erf te bedryf.

n) PARYS: (REFERENCE A12/1/9/1/2/104)

Erf 1373, 14a Oranje Street, Parys for the amendment of the Town-Planning Scheme of Parys by the rezoning of the said erf from "General Residential" to "General Business", in order to enable the applicant to utilize the said erf for general business purposes with retail and offices.

o) SASOLBURG: (REFERENCE A12/1/2/130)

Erf 25791, Heron Way, Extension 66, Sasolburg (Heron Banks Golf and River Estate), for the amendment of the Town-Planning Scheme of Sasolburg by the rezoning of the said erf from "Residential: General" to "Residential: Special 1" and "New Street and Widening" as indicated on the layout plan which accompanied the application and which is available at the above-mentioned addresses, in order to enable the applicant to establish a town on the said property.

n) PARYS: (VERWYSING A12/1/9/1/2/104)

Erf 1373, Oranjestraat 14a, Parys vir die wysiging van die Dorpsaanlegskema van Parys deur die hersonering van die gemelde erf vanaf "Algemene Woon" na "Algemene Besigheid", ten einde die applikant in staat te stel om die gemelde erf vir algemene besigheidsdoeleindes, met verkope asook kantore, aan te wend.

o) SASOLBURG: (VERWYSING A12/1/2/130)

Erf 25791, Heronweg, Uitbreiding 66, Sasolburg (Heron Banks Golf en Rivier Landgoed), vir die wysiging van die Dorpsaanlegskema van Sasolburg deur die hersonering van die gemelde erf vanaf "Woon: Algemeen" na "Woon: Spesiaal 1" en "Nuwe Strate en Verbredings", soos aangedui op die uitlegplan wat die aansoek vergesel en wat by bogemelde adresse beskikbaar is, ten einde die applikant in staat te stel om dorp te stig op die gemelde eiendom.

LOCAL GOVERNMENT NOTICES

METSIMAHOLO LOCAL MUNICIPALITY

TARIFFS: 2009/2010

Notice is hereby given that the approved tariffs for 2009/2010 are available for inspection at the Financial Service Department at the Civic Centre, Sasolburg during office hours.

M. TSHABALALA, MUNICIPAL MANAGER

**P.O. Box 60
SASOLBURG
1947**

5 June 2009

(Notice No. 16/2009)

PLAASLIKE REGERINGSKENNISGEWINGS

METSIMAHOLO PLAASLIKE MUNISIPALITEIT

TARIEWE: 2009/2010

Kennis geskied hiermee dat die goedgekeurde tariewe vir 2009/2010 ter insae is gedurende kantoorure by die Finansiële Departement, Burgersentrum, Sasolburg.

M. TSHABALALA, MUNISIPALE BESTUURDER

**Posbus 60
SASOLBURG
1947**

5 Junie 2009

(Kennisgewing No. 16/2009)

MOHOKARE LOCAL MUNICIPALITY

PROPERTY RATES BY-LAW

The Municipal Manager of Mohokare Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the Mohokare Local Municipality, as adopted by the Municipal Council on 03 June 2009 and are promulgated by the municipality as set out hereunder.

PURPOSE OF BY-LAW

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

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1. Definitions

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

- 1.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 “**Agent**”, in relation to the owner of a property, means a person appointed by the owner of the property-
 - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 “**Agricultural purpose**” in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 “**Annually**” means once every financial year;
- 1.5 “**Category**”
 - (a) in relation to property, means a category of properties determined in terms of Section 5 of this By-law; and
 - (b) in relation to owners of properties, means a category of owners determined in terms of Section 6 of this By-law.

- 1.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 **“Definitions, words and expressions”** as used in the Act are applicable to this By-law, where ever it is used;
- 1.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
- (a) acquired the property through -
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 1.9 **“Land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 1.10 **“Municipality”** means the Local Municipality of Mohokare;
- 1.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
 - (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 1.12 **“Owner”-**
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
 - (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
 - (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
 - (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-
 - (i) a trustee, in the case of a property in a trust excluding state trust land;
 - (ii) an executor or administrator, in the case of a property in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
 - (iv) a judicial manager, in the case of a property in the estate of a person under
 - (v) a curator, in the case of a property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
 - (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- 1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.
- 1.14 **“Property”** means -
- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
 - (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
 - (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
 - (d) public service infrastructure.

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

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

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

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

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

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

2. Principles

- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll and supplementary valuation roll.
- 2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.
- 2.3 Some categories of property and categories of owners will be granted relief from rates.
- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- 2.6 The municipality’s rates policy will be based on the following principles:
- (a) Equity
The municipality will treat all ratepayers with similar properties the same.
 - (b) Affordability
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.

- (c) Sustainability
Rating of property will be implemented in a way that:
- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
 - ii. Supports local, social and economic development; and
 - iii. Secures the economic sustainability of every category of ratepayer.
- (d) Cost efficiency
Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.
- 3. Application of By-law**
- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.
- 4. Principles applicable to financing services**
- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
- (a) Trading services
 - i. Water
 - ii. Electricity
 - (b) Economic services
 - i. Refuse removal.
 - ii. Sewerage disposal.
 - (c) Community and subsidised services
These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in 4.1 (a) and (b).
- 4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.
- 5. Categories of property**
- 5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- 5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- 5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the dominant use of the property regardless the formal zoning of the property;
- 5.4 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7 of this by-law.
- 6. Categories of owners**
- 6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
 - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;

- (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

- 7.1 Rates on properties used for multiple purposes will be levied by the dominant use of the property.

8. Differential rating

- 8.1 Criteria for differential rating on different categories of properties will be according to-
- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
 - (b) The promotion of social and economic development of the municipality.
- 8.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and
- 8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

- 9.1 Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- 9.2 Conditions determined by the rates policy will be applied accordingly.
- 9.3 Exemptions will automatically apply where no applications are required.
- 9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.
- 9.5 Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- 9.6 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 9.7 The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

10. Reductions

- 10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
- 10.1.1 Partial or total destruction of a property.
 - 10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).
 - 10.2 The following conditions shall be applicable in respect of 10.1:-
 - 10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

- 10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 10.2.3 A maximum reduction determined annually by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.
- 10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- 10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

- 11.1. Categories of property
- 11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
- 11.2. Categories of owners
- 11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.
- 11.3. Conditions determined by the rates policy will be applied accordingly.
- 11.4. Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.
- 11.5. The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- 11.6. Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- 11.7. The extent of the rebate in terms of 11.1, 11.2 and 11.6 will annually be determined by the municipality and it must be included in the annual budget.

12. Payment of rates

- 12.1 Council may levy assessment rates: -
- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act,(No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.
- 12.2 The municipality shall determine the due dates for payments in monthly installments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.
- 12.3 Rates payable on an annual basis will be subject to a discount of 5% if paid in full on or before 30 September of each year.
- 12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- 12.5 If a property owner, who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- 12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control en debt collection by-law.
- 12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

- (i) the amount due for rates payable,
- (ii) the date on or before which the amount is payable,
- (iii) how the amount was calculated,
- (iv) the market value of the property, and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

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

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

14. Phasing in of rates

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

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

- First year 2006/07 financial year: 100% of the relevant rate;
- Second year 2007/08 financial year: 100% of the relevant rate;
- Third year 2008/09 financial year: 100% of the relevant rate;
- Fourth year 2009/10 financial year: 100% of the relevant rate;
- Fifth year 2010/11 financial year: 50% of the relevant rate; and
- Sixth Year 2011/12 financial year: 25% of the relevant rate.

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

- First year :100% of the relevant rate;
- Second year : 75% of the relevant rate;
- Third year : 50% of the relevant rate; and
- Fourth year : 25% of the relevant rate.

15. Special rating areas

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

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

- 15.2.1 Proposed boundaries of the special rating area;
- 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
- 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
- 15.2.4 Proposed financing of the improvements or projects;
- 15.2.5 Priority of projects if more than one;
- 15.2.6 Social economic factors of the relevant community;
- 15.2.7 Different categories of property;
- 15.2.8 The amount of the proposed special rating;
- 15.2.9 Details regarding the implementation of the special rating;
- 15.2.10 The additional income that will be generated by means of this special rating.

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- 15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.
- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.
- 16. Frequency of valuation**
- 16.1 The municipality shall prepare a new valuation roll every 4 (four) years.
- 16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.
- 17. Community participation**
- 17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
- 17.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- 17.1.2 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).
- 17.1.3 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
- 17.1.4 Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.
- 17.1.5 Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 17.1.6 The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.
- 17.1.7 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.
- 18. Register of properties**
- 18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
 - ii. Rebate or reduction in terms of section 15 of the Act ,
 - iii. Phasing-in of rates in terms of section 21 of the Act, and
 - iv. Exclusions as referred to in section 17 of the Act.

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- 18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 18.5 The municipality will update Part A of the register during the supplementary valuation process.
- 18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.
- 19. Regular review processes**
- 19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.
- 20. Short title**
This by-law is the Rates By-law of the Mohokare Local Municipality.
- 21. Commencement**
This by-law comes into force and effect on 1 July 2009.
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NKETOANA MUNICIPALITY

**PROPERTY RATES BY-LAW
(FINAL)**

(18 MAY 2009)

FOR IMPLEMENTATION ON 1 JULY 2009

**NKETOANA LOCAL MUNICIPALITY
PROPERTY RATES BY-LAW**

The Municipal Manager of Nketoana Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the Nketoana Local Municipality, as approved by its Council as set out hereunder.

PURPOSE OF BY-LAW

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

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- 27. CATEGORIES OF OWNERS
- 28. PROPERTIES USED FOR MULTIPLE PURPOSES
- 29. DIFFERENTIAL RATING
- 30. EXEMPTIONS AND IMPERMISSIBLE RATES
- 31. REDUCTIONS
- 32. REBATES
- 33. PAYMENT OF RATES
- 34. ACCOUNTS TO BE FURNISHED
- 35. PHASING IN OF RATES
- 36. SPECIAL RATING AREAS
- 37. FREQUENCY OF VALUATION
- 38. COMMUNITY PARTICIPATION
- 39. REGISTER OF PROPERTIES
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1. **Definitions**

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

- 1.1 "Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 "Agent", in relation to the owner of a property, means a person appointed by the owner of the property-
 - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 "Agricultural purpose" in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 "Annually" means once every financial year;
- 1.5 "Category"
 - (a) in relation to property, means a category of properties determined in terms of Section 5 of this By-law; and
 - (b) in relation to owners of properties, means a category of owners determined in terms of Section 6 of this By-law.
- 1.6 "Child-headed household" means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 "Definitions, words and expressions" as used in the Act are applicable to this By-law, where ever it is used;
- 1.8 "Land reform beneficiary", in relation to a property, means a person who -
 - (a) acquired the property through -
 - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 1.9 "Land tenure right" means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);

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- 1.10 **“Municipality”** means the Local Municipality of Nketoana;
- 1.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 1.12 **“Owner”-**
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-
- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
- (iv) a judicial manager, in the case of a property in the estate of a person under
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- 1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.
- 1.14 **“Property”** means -
- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.
- 1.15 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:
- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;

- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

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

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

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

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

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

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

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2. Principles

- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll and supplementary valuation roll.
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The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share.
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 - ii. Supports local, social and economic development; and
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Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.
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ii. Sewerage disposal.
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- These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in 4.1 (a) and (b).
- 4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.
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- 5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- 5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- 5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the dominant use of the property regardless the formal zoning of the property;
- 5.4 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7 of this by-law.
- 6. Categories of owners**
- 6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-

- i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
- ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

- 7.1 Rates on properties used for multiple purposes will be levied by the dominant use of the property.

8. Differential rating

- 8.1 Criteria for differential rating on different categories of properties will be according to-
- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
 - (b) The promotion of social and economic development of the municipality.
- 8.3 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and
- 8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

- 9.1 Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- 9.2 Conditions determined by the rates policy will be applied accordingly.
- 9.3 Exemptions will automatically apply where no applications are required.
- 9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.
- 9.5 Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- 9.6 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 9.7 The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

10. Reductions

- 10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
- 10.1.1 Partial or total destruction of a property.
 - 10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).
- 10.2 The following conditions shall be applicable in respect of 10.1:-
- 10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
 - 10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
 - 10.2.3 A maximum reduction determined annually by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.
 - 10.2.4 An *ad-hoc* reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
 - 10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1. Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2. Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

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

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

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

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

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

12. Payment of rates

12.1 Council may levy assessment rates: -

(a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or

(b) Annually, as agreed with the owner of the property.

12.2 The municipality shall determine the due dates for payments in monthly installments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.

12.3 Rates payable on an annual basis, will be subject to a discount of 5% if paid in full on or before 30 September of each year.

12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.

12.5 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.

12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control en debt collection by-law.

12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

- (vi) the amount due for rates payable,
- (vii) the date on or before which the amount is payable,
- (viii) how the amount was calculated,
- (ix) the market value of the property, and
- (x) rebates, exemptions, reductions or phasing-in, if applicable.

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

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

14. Phasing in of rates

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

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

- First year : 75% of the relevant rate;
- Second year : 50% of the relevant rate; and
- Third year : 25% of the relevant rate.

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

- First year : 100% of the relevant rate;
- Second year : 75% of the relevant rate;
- Third year : 50% of the relevant rate; and
- Fourth year : 25% of the relevant rate.

15. Special rating areas

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

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

- 15.2.1 Proposed boundaries of the special rating area;
- 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
- 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
- 15.2.4 Proposed financing of the improvements or projects;
- 15.2.5 Priority of projects if more than one;
- 15.2.6 Social economic factors of the relevant community;
- 15.2.7 Different categories of property;
- 15.2.8 The amount of the proposed special rating;
- 15.2.9 Details regarding the implementation of the special rating;
- 15.2.10 The additional income that will be generated by means of this special rating.

15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.

15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.

15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

15.7 The municipality shall establish separate accounting and other record-keeping systems, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. Frequency of valuation

- 16.1 The municipality shall prepare a new valuation roll every 4 (four) years.
- 16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

17. Community participation

- 17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
- 17.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- 17.1.2 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).
- 17.1.3 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
- 17.1.4 Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.
- 17.1.5 Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 17.1.6 The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.
- 17.1.7 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

18. Register of properties

- 18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
 - v. Rebate or reduction in terms of section 15 of the Act,
 - vi. Phasing-in of rates in terms of section 21 of the Act, and
 - vii. Exclusions as referred to in section 17 of the Act.
- 18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 18.5 The municipality will update Part A of the register during the supplementary valuation process.
- 18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

19. Regular review processes

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

20. Short title

This by-law is the rates by-law of the Nketoana Local Municipality.

21. Commencement

This by-law comes into force and effect on 1 July 2009.

TSWELOPELE LOCAL MUNICIPALITY

PROPERTY RATES BY-LAWS

The Tswelopele Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-Law set out in the Schedule hereto: These By-Laws have been adopted by Municipal Council on 27 May 2009 and promulgated by the municipality in terms of section 156[2] of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13[a] of the Local Government Systems Act [Act 32 of 2000].

PURPOSE OF BY-LAWS

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

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1. Definitions

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

- 1.1 "Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 "Agent", in relation to the owner of a property, means a person appointed by the owner of the property-
 - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 "Agricultural purpose" in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 "Annually" means once every financial year;

- 1.5 **“Category”**
 (a) in relation to property, means a category of properties determined in terms of Section 5 of this By-law; and
 (b) in relation to owners of properties, means a category of owners determined in terms of Section 6 of this By-law.
- 1.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 **“Definitions, words and expressions”** as used in the Act are applicable to this By-law, where ever it is used;
- 1.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
 (a) acquired the property through -
 (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 1.9 **“Land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 1.10 **“Municipality”** means the Local Municipality of Tswelopele;
- 1.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
 (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
 (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 1.12 **“Owner”-**
 (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
 (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
 (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
 (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-
 (i) a trustee, in the case of a property in a trust excluding state trust land;
 (ii) an executor or administrator, in the case of a property in a deceased estate;
 (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
 (iv) a judicial manager, in the case of a property in the estate of a person under
 (v) a curator, in the case of a property in the estate of a person under curatorship;
 (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
 (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- 1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

- 1.14 **“Property”** means -
- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
 - (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
 - (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
 - (d) public service infrastructure.
- 1.15 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:
- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
 - (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
 - (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
 - (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
 - (e) railway lines forming part of a national railway system;
 - (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
 - (g) runways or aprons at national or provincial airports;
 - (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
 - (i) any other publicly controlled infrastructure as may be prescribed; or
 - (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).
- 1.16 **“Residential property”** means improved property that:-
- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
 - (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
 - (c) Is owned by a share-block company and used solely for residential purposes.
 - (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
 - (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

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

- 1.17 **“Rural communal settlements”** means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.
- 1.18 **“state trust land”** means land owned by the state-
- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
 - (b) over which land tenure rights were registered or granted; or
 - (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).
- 1.19 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.
- 2. Principles**
- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.
- 2.3 Some categories of property and categories of owners will be granted relief from rates.

- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- 2.6 The municipality's rates policy will be based on the following principles:
- (a) Equity
The municipality will treat all ratepayers with similar properties the same.
- (b) Affordability
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.
- (c) Sustainability
Rating of property will be implemented in a way that:
- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
 - ii. Supports local, social and economic development; and
 - iii. Secures the economic sustainability of every category of ratepayer.
- (d) Cost efficiency
Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. Application of By-law

- 3.3 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
- (a) Trading services
- i. Water
 - ii. Electricity
- (b) Economic services
- i. Refuse removal.
 - ii. Sewerage disposal.
- (c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in 4.1 (a) and (b).

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

5. Categories of property

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

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

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

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

6. Categories of owners

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

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

7. Properties used for multiple purposes

7.1 Rates on properties used for multiple purposes will be levied by the dominant use of the property.

8. Differential rating

8.1 Criteria for differential rating on different categories of properties will be according to-

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

8.4 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and

8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

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

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

9.3 Exemptions will automatically apply where no applications are required.

9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.

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

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

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

10. Reductions

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

10.1.1 Partial or total destruction of a property.

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

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

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

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

10.2.7 A maximum reduction determined annually by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.

10.2.8 An *ad-hoc* reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.9 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1 Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2 Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

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

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

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

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

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

12. Payment of rates

12.1 Council may levy assessment rates: -

(a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or

(b) Annually, as agreed with the owner of the property.

12.2 The municipality shall determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.

- 12.3 Rates payable on an annual basis will be subject to a discount of 5% if paid in full on or before 30 September of each year.
- 12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- 12.5 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- 12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control en debt collection by-law.
- 12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

- 13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (xi) the amount due for rates payable,
 - (xii) the date on or before which the amount is payable,
 - (xiii) how the amount was calculated,
 - (xiv) the market value of the property, and
 - (xv) rebates, exemptions, reductions or phasing-in, if applicable.
- 13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.
- 13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

14. Phasing in of rates

- 14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- 14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:
- First year : 75% of the relevant rate;
 - Second year : 50% of the relevant rate; and
 - Third year : 25% of the relevant rate.
- 14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below:-
- First year : 100% of the relevant rate;
 - Second year : 75% of the relevant rate;
 - Third year : 50% of the relevant rate; and
 - Fourth year : 25% of the relevant rate.

15. Special rating areas

- 15.3 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- 15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:
- 15.2.1 Proposed boundaries of the special rating area;
 - 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
 - 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
 - 15.2.4 Proposed financing of the improvements or projects;
 - 15.2.5 Priority of projects if more than one;
 - 15.2.6 Social economic factors of the relevant community;
 - 15.2.7 Different categories of property;
 - 15.2.8 The amount of the proposed special rating;
 - 15.2.9 Details regarding the implementation of the special rating;
 - 15.2.10 The additional income that will be generated by means of this special rating.
- 15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.
- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. Frequency of valuation

- 16.1 The municipality shall prepare a new valuation roll every 4 (four) years.
- 16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

17. Community participation

- 17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
- 17.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
 - 17.1.2 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).
 - 17.1.3 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
 - 17.1.4 Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.

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- 17.1.5 Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 17.1.6 The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.
- 17.1.7 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

18. Register of properties

- 18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
 - viii. Rebate or reduction in terms of section 15 of the Act ,
 - ix. Phasing-in of rates in terms of section 21 of the Act, and
 - x. Exclusions as referred to in section 17 of the Act.
- 18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 18.5 The municipality will update Part A of the register during the supplementary valuation process.
- 18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

19. Regular review processes

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

20. Short title

This by-law is the rates by-law of the Tswelopele Local Municipality.

21. Commencement

This by-law comes into force and effect on 1 July 2009.
