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PROVINCIAL NOTICES

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[NO. 179 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION:  
STANDARD STREET TRADING BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

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**Definitions**

1. In these by-laws;
  - (a) the singular includes the plural and vice versa;
  - (b) any word or expression has the meaning assigned to it in the Local Government: Municipal Structures Act 1998(Act No 117 of 1998);
  - (c) a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder;
  - (d) any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), have a corresponding meaning;
 and, unless the context otherwise indicates:-  
**"administrative unit"** means a former municipality as contemplated in Section 14(3) of the Municipal Structures Act, 1998;  
**"approval"** means approval by the Council and "approved" has a corresponding meaning;  
**"authorised official"** means-

- (a) an official who has been authorised by the Council to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996( Act No 93 of 1996);
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995;( Act No 68 of 1995) or
- (d) a peace officer contemplated in Section 334 of the Criminal Procedure Act, 1977.
- "Council services"** means any system conducted by or on behalf of a municipality for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage, purification or supply of water, gas or electricity, or municipal services;
- "council"** means the Council of the Municipality referred to in Section 18(1) of the Municipal Structures Act, 1998( Act No 117of 1998) and includes any duly authorised political structure, political office bearer, councillor and official thereof;
- "Council service works"** means all property or works of whatever nature necessary for or incidental to any Council services;
- "foodstuff"** means any article or substance, except a drug as defined in the Drugs and Drug Trafficking Act, 1992( Act No 140 of 1992), ordinarily eaten or drunk by persons or purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.
- "garden or park"** means a garden or park to which the public has a right of access;
- "goods"** means any movable property and includes a living thing;
- "intersection"** means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- "litter"** includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;
- "Municipality"** means the ..... Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- "motor vehicle"** means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;
- " National Road Traffic Act, 1996"** means the National Road Traffic Act, 1996 (Act No 93 of 1996)
- "prescribed"** means determined by resolution of the Council from time to time;
- "property"**, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he trades;
- "public building"** means a building belonging to or occupied solely by the State or the Council and includes municipal service works;
- "public monument"** means any one of the "public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any similar legislation;
- "public place"** means any square, park, recreation ground or open space which is vested in the Municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor-General's office and has been provided for the use of the public or the owners of erven in such township;
- "public road"** means a public road as defined in section 1 of the National Road Traffic Act, 1996;
- "roadway"** means a roadway as defined in section 1 of the National Road Traffic Act, 1996;
- "sell"** includes -
- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward;
- and **"sale" or "selling"** has a corresponding meaning;
- "sidewalk"** means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;
- "street furniture"** means any furniture installed by the Council on a street for public use;
- "street trader"** means a person who carries on the business of street trading and includes any employee of such person;
- "street trading"** means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;
- "the Act"** means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and
- "verge"** means a verge as defined in section 1 of the National Road Traffic Act, 1996;

#### Single act constitutes street trading

2. For the purpose of these by-laws a single act of selling or offering or rendering of services in a public road or public place constitutes street trading.

#### Assigning powers of a Council employee to employee of a service provider.

3. If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000( Act No 32 of 2000), or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

**Prohibited conduct**

4. (1) No person must carry on the business of a street trader:-
- (a) at a place or in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place or area in which street trading is prohibited;
  - (b) in a garden or a park to which the public has a right of access;
  - (c) on a verge contiguous to -
    - (i) a building belonging to, or occupied solely by, the State or the Council;
    - (ii) a church or other place of worship;
    - (iii) a building declared to be a Public monument;
    - (iv) an autoteller bank machine;
  - (d) at a place where it causes an obstruction in front of -
    - (i) a fire hydrant;
    - (ii) an entrance to or exit from a building;
  - (e) at a place where it could obstruct vehicular traffic;
  - (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
  - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorised official;
  - (h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her ;
  - (i) within 5 (five) meters of any intersection;; and
  - (j) on a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorised official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1)(h), may not trade in contravention of the terms and conditions of such lease or allocation.

**Restricted conduct**

5. A person carrying on the business of a street trader -
- (a) may not sleep overnight at the place of such business;
  - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
  - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
  - (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
  - (e) may not trade on a sidewalk where the width of such sidewalk is less than three metres;
  - (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
  - (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
  - (h) must, upon request by an authorised official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
  - (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
  - (j) may not carry on such business in such a manner as to -
    - (i) create a nuisance;
    - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
    - (iii) create a traffic and/or health hazard, or health risk, or both.
  - (k) may not make an open fire on a public road or public place;
  - (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
  - (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;

- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these by-laws;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of these by-laws;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree;
- (u) may not handle any foodstuffs including meat in a manner contrary to applicable law;
- (v) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

### Cleanliness

6. A street trader must -
- (a) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
  - (b) keep his or her property in a clean, sanitary and well maintained condition;
  - (c) dispose of litter generated by his business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
  - (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
  - (e) ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
  - (f) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
  - (g) ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
  - (h) on request by an authorised official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

### Signs indicating restricted and prohibited areas

7. (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
- (i) specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
  - (ii) the locations of boundaries of restricted or prohibited areas;
  - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
  - (iv) the fact that any such stand or area has been let or otherwise allocated; and
  - (v) any restriction or prohibition against street trading in terms of these by-laws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these by-laws or any other law, must serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these by-laws, and any such sign shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

### Provision of and lease of stands or area for the purpose of street trading

8. (1) The Council may, by resolution in terms of Section 6A (3)(a) to (c) of the Act-
- (a) lease any municipal land to the owner or occupier of contiguous land on condition that such owner or occupier must admit a specified number of street traders to trade on stands or places on such land designated by such owner or occupier for informal trading;
  - (b) set apart municipal land in the municipality and demarcate stands or areas on such land for the purpose of informal trading;
  - (c) extend, reduce or disestablish any stand or area referred to in the previous subsections.

- (2) Any land leased by or allocated by the Council aforesaid for informal trading must be so let on an economic rental basis.
- (3) These by-laws must apply to any informal trading area established by the Council in terms of this section.
- (4) The Council may, in addition to setting aside land in its municipal area for informal trading, also make available to informal traders, subject to such conditions as it may determine, suitable structures, shelter and devices for the conduct of the business of informal trading

#### **Removal and impoundment**

9. (1) An authorised official may remove and impound any property, except perishable foodstuffs, of a street trader-
  - (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
  - (b) which he or she finds at a place where street trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorised official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
  - (i) itemise the property to be removed and impounded;
  - (ii) provide the address where the impounded property will be kept, and the period thereof;
  - (iii) state the conditions for the release of the impounded property;
  - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
  - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorised official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she is guilty of an offence,
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.
- (5) Perishable foodstuffs must be retained by the street trader who must immediately remove such foodstuffs from the prohibited trading area.
- (6) The Council shall provide sufficient and adequate storage facilities for the storage of any property impounded in terms of this section.

#### **Vicarious responsibility of persons carrying on business**

10. (1) When an employee or agent of a street trader contravenes a provision of these by-laws, the street trader is deemed to have committed such contravention himself or herself unless he or she satisfies the court that he took reasonable steps to prevent such contravention.
- (2) The fact that a street trader issued instructions to the employee or agent prohibiting such contravention, does not, in itself, constitute sufficient proof of such reasonable steps.

#### **Offences and Penalties**

11. (1) Any person who -
  - (a) contravenes or fails to comply with any provision of these by-laws;
  - (b) fails to comply with any notice issued in terms of these by-laws; or
  - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
  - (d) fails to comply with any condition imposed by the Council in any authorisation or permit granted under these by-laws; or
  - (e) who obstructs or hinders any authorised official of the Council in the execution of his duties under these by-laws - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence,
- (2) A court sentencing a street trader who is found guilty of a contravention of these by-laws may also order such street trader to pay to the municipality such reasonable costs it may have incurred in impounding and storing any goods impounded under these by-laws.

#### **Repeal of By-laws**

12. Any by-laws relating to Street- or Informal Trading adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

#### **Short title**

13. These by -laws are called the Street Trading By laws, 201...

[NO. 180 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD TARIFF POLICY BY-LAW.**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
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Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**Tariff Policy By-law**

**Definitions**

1. In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-
- "Council"** – the ..... Local Municipal Council.
- "Cost to be recovered"** - the cost of purchasing, the cost of changing the product to the delivered, capital cost, administrative and support systems cost.
- "Domestic consumers"** - in regard to the electricity services, includes private dwelling houses, residential flats and hostels if provided with a separate meter.
- "Bulk consumers"** - in regard to the electricity service, exclude domestic consumers and relates to any consumer whose electricity demand exceeds 100 KVA per month for an uninterrupted period of 12 months.
- "Commercial and general consumers"** in regard to the electricity service, excludes domestic consumers and relates to any consumer whose maximum electricity demand is less than 100 KVA per month for a period of 12 months.
- "Municipality"** - the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"Off-peak supply"** - it is an electricity supply on written request to bulk consumers during off peak hours or contributed to the Council's maximum demand whichever is the greatest.

**"Temporary consumers"** includes builders, carnivals, fairs, amusement parks and any consumer of a temporary nature.

#### Cost of Services to be recovered

2. (1) Council must levy charges for the delivery of services.
- (2) The levied charges must recover the cost to deliver the following services:-
  - (a) Electricity;
  - (b) Refuse removal;
  - (c) Sanitation/Sewerage, and
  - (d) Water.

#### Surpluses obtained

3. (1) The Council may obtain surpluses on the following services:-
  - (a) 10% on Electricity and Water, and
  - (b) 10 % on Sanitation/Sewerage and Refuse Removal.

#### Services co-funded by property tax

4. (1) Council may charge regularity tariffs to recover cost to deliver the following services:-
  - (a) Libraries;
  - (b) Cemeteries;
  - (c) Nature Reserves;
  - (d) Pleasure Resorts;
  - (e) Fire Services, and
  - (f) Information Services.
- (2) Council may adjust the service charges annually with the Consumer Price Index on 1 July each year.

#### Electricity Services

5. (1) Council may provide the number of units of electricity free to indigent households as determined in its indigent policy.
- (2) Council may charge basic tariffs differentiated amongst various consumers.
- (3) Council may charge the following tariffs:-
  - (a) Availability charges based on consumption, type of stands and nature of consumers.
  - (b) Consumption charges per KWH-
    - (i) Domestic Consumers;
    - (ii) Commercial and General Consumers;
    - (iii) Bulk Consumers;
    - (iv) Temporary Consumers;
    - (v) Selected bulk Consumers (up to 7% surcharge is applicable).
  - (c) Consumption charges (per KVA demand) -
    - (i) Bulk Consumers;
    - (ii) Off-peak hours;
    - (iii) Selective bulk consumer (a surcharge of 7% is applicable).
  - (d) Special charges -
    - (i) Test of meter;
    - (ii) Special reading;
    - (iii) Connection fees.
  - (e) VAT is not included in the tariffs and must and be added.
- (4) Council may lower business tariffs in line with National Electricity Regular policy and incentive schemes of Council.
- (5) All electrical supplies must be metered.

#### Refuse Removal

6. (1) Council subsidises refuse removal to the indigent households as determined in the indigent policy.
- (2) Council may charge the following rates:
  - (a) Refuse removals from private dwellings, hospitals, churches, boarding houses, sport clubs, charitable institutions: once a week per bin.
  - (b) Block of flats: per flat, three times per week
  - (c) Removal from business premises, offices, industrial premises and government institutions: per bin, five times per week
  - (d) Compacted refuse: per removal



- (i) Per 0.084 m<sup>3</sup>
- (ii) Per container unit per m<sup>3</sup>
- (e) Per mass container
  - (i) 1,1 m<sup>3</sup> capacity
  - (ii) 5,5 m<sup>3</sup> capacity
  - (iii) 4 m<sup>3</sup> capacity
  - (iv) 750 litre capacity
  - (v) 600 litre capacity
  - (vi) 1,75 m<sup>3</sup> capacity
- (f) Medical waste: per removal
- (g) Renting of mass containers
  - (i) 5,5 m<sup>3</sup> per week
  - (ii) 5,5 m<sup>3</sup> per month
  - (iii) 1,75 m<sup>3</sup>; 1,1 m<sup>3</sup>; 0,75 m<sup>3</sup> and 0,6 m<sup>3</sup>: per month
  - (iv) 3 m<sup>3</sup> and 3 m<sup>3</sup>: per month
- (h) Vacuum tank services
  - (i) Special removals
  - (ii) Garden refuse
  - (iii) Building rubble or bulk refuse
- (i) Removal of dead animals.
- (j) Cleaning premises of long grass, weeds, shrubs and accumulation of refuse.
- (k) Renting cleansing services out of town.
- (l) Sale of plastic bags.
- (m) All other services for which provision has not been made.
- (n) VAT is not included and should be added.

#### Sanitation or Sewerage

- 7. (1) Council may grant a subsidy for the indigents as defined in the Indigent Policy.
- (2) Council must apply the principle of equality for this service.
- (3) Council may charge the following tariffs:
  - (a) Application fees (building plans);
  - (b) Usage charges (operational charges) differentially;
  - (c) Availability charges -
    - (i) Based on size of land;
    - (ii) Special usage.
  - (d) Work charges -
    - (i) Sealing openings;
    - (ii) Re-openings sealed;
    - (iii) Removing blockages;
    - (iv) Alterations to gullies;
    - (v) Connection to sewer;
  - (e) VAT is not included and must be added.

#### Water Services

- 8. (1) Council may provide the number of KL free to indigent households as determined in its indigent policy.
- (2) Council may charge the following tariffs:
  - (a) Availability charges;
  - (b) Consumption charges-
    - (i) Metered supply
      - (aa) A sliding scale will be applicable to domestic consumers and will be as follows:
        - 0-6 KL;
        - 7-10 KL;
        - 11-40 KL;
        - Above 40 KL.
      - (bb) With water restrictions an increased tariff may be charged on the following sliding scale:
        - 0-6 KL;
        - 7-10 KL;
        - 11-40 KL;
        - 41-100 KL;
        - Above 100 KL.

- (c) Metered supply
  - (i) With water restrictions the sliding scale will be the same as mentioned in sub section (2)(b)(i)(aa).
- (d) Metered supply: Businesses and industries
  - (i) The Council may charge a uniform tariff per KL for businesses and industries.
- (e) Charges for connections to the main.
- (f) Charges for connection of water supply.
- (g) Sundry charges:
  - (i) Testing of metres;
  - (ii) Special readings;
  - (iii) Any other services not mentioned;
- (h) Filling of a swimming pool.

**Property tax**

9. (1) A subsidy is granted to indigent persons as defined in the Indigent Policy. Council may charge property tax on the site value only.
- (2) The different entities are charged differently on their respective valuation rolls.
- (3) Council shall compile a valuation roll for the whole area so that the whole area will be charged uniformly.
- (4) Council may allow discounts on the category Grand-in -Aid to registered welfare organisations, welfare organisations which performs charitable work institution for veterans, amateur sport grounds, Boy Scouts or similar organisations and institutions defined in the Cultural Institutions Act, 1968 (Act No. 119 of 1998).
- (5) Council may place a priority on property tax for collection of revenue not exceeding 25% of the budgeted revenue.

**Repeal of By-Laws**

10. Any by-laws relating to Tariff Policies adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short Title**

11. These By -laws are called the Tariff Policy By -law, 201...

**[NO. 181 OF 2010]****NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD TAXI RANKS BY-LAW.**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
 Systems And Capacity Building  
 Department of Cooperative Governance  
 and Traditional Affairs  
 Local Government Branch  
 PO Box 211  
 BLOEMFONTEIN  
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

## SCHEDULE

## TAXI RANKS BY-LAW

## Definitions

1. In this By-law, unless the context otherwise indicated –

"bus" means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"financial year" means a year starting on the first day of July of any year and ending on the last day of June of the next year;

"Manager: Traffic Services" means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"Municipality" means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, (Act No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"Municipal Manager" means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"municipal taxi rank" means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and includes the waiting area of such taxi rank;

"municipal traffic officer" means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

"parking permit disc" means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

"taxi" means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

"this By-law" includes the rules to be observed at municipal taxi ranks as contemplated in section 2.

**Municipality may establish, maintain and manage municipal taxi ranks**

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by -
  - (a) taxi drivers;
  - (b) taxi owners; or
  - (c) members of the public, who enters into, parks at or makes use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

**Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks**

3. (1) No taxi must be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), must be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc must -
  - (a) be of the design and contain the particulars set out in the Annexure; and
  - (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

**Application for, issue and duration of a parking permit disc**

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must -
  - (a) be in the form determined by the Municipality;
  - (b) be directed to the Municipal Manager;
  - (c) be accompanied by the fees determined by the Municipality;
  - (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.

- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned —
  - (a) issue the parking permit disc to the applicant; or
  - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager —
  - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
  - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager must process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank, must -
  - (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
  - (b) keep such records for at least one year after the end of the financial year in which it was made; and
  - (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc lapses at the end of each financial year.

#### **Presumption that owner drove or parked taxi**

5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi making use of a municipal taxi rank.

#### **Seizure and impoundment of taxis at municipal taxi ranks**

6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days -
  - (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
  - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
  - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

#### **Delegation**

7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

#### **Penalty clause**

8. (1) Any person who contravenes or fails to comply with -
  - (a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or
  - (b) a provision of this By-law, is guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

#### **Repeal of laws and savings**

9. (1) Any by-laws relating to taxi ranks adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

#### **Short title**

10. This By-law shall be called the Municipal Taxi Ranks By-law, 201.....

**ANNEXURE**

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words "PARKING PERMIT/PARKEERPERMIT MUNICIPALITY ..... MUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating -
  - (a) the name of the owner of the taxi;
  - (b) the registration number of the taxi;
  - (c) the financial year in respect whereof the permit was issued; and
  - (d) the number of the permit.

[NO. 182 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD UNSIGHTLY AND NEGLECTED BUILDINGS BY-LAW.**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
 Systems And Capacity Building  
 Department of Cooperative Governance  
 and Traditional Affairs  
 Local Government Branch  
 PO Box 211  
 BLOEMFONTEIN  
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**UNSIGHTLY AND NEGLECTED BUILDINGS BY-LAW**

**Definitions**

1. In this by-law, unless the context proves otherwise means-
  - "**building**" has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes fencing;
  - "**Council**" means the ..... Local Municipality or its successor(s) in-law or any officer employed by the Council or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these By-laws;
  - "**municipal area**" the area under the jurisdiction and control of the Council;
  - "**premises**" any land whatsoever, whether vacant, occupied or with buildings thereon, situated within the municipal area.

**Unsightly buildings**

2. Where any premises, in the opinion of the Council -
- (a) have a building thereon which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
  - (b) is neglected and overgrown;
  - (c) has an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon,
  - (d) has an accumulation of motor wrecks or used motor parts thereon which -
    - (i) detracts from the appearance of surrounding properties, or
    - (ii) is offensive to the owners or occupiers of adjacent premises,
- the Council must give notice in writing to the owner or occupier of such premises requiring him or her to improve such building or the condition of such premises within a period of thirty days (30) so that the appearance or condition of such building or premises will comply with the standards required by the Council.

**Offences and penalties**

3. (1) If the owner of the premises fails to comply with the requirements of the notice served in terms of section 2 within the period specified in such notice, such owner is guilty of an offence and, on conviction, is liable to a fine not exceeding R 3,000.00 or imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment, and in the case of a continuing offence, to an additional fine not exceeding R 1,000 or an additional period of imprisonment not exceeding 30 days or to both such additional fine and additional imprisonment for each day during which such failure or offence continues.
- (2) The Council may, instead of instituting a prosecution and unless written objection from such owner has been received before the expiry date of the period specified on the notice served on him or her, assume that such owner has no objection and tacitly agrees that the Council may, without further notice, enter upon such premises and through its officials or a contractor whose tender the Council has accepted, and at the cost of such owner execute the work necessary to comply with the requirements of the said notice.

**Repeal**

4. Any by-laws relating to Unsightly and Neglected Buildings adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title**

8. These by-laws are called the Unsightly and Neglected Buildings By -laws, 201....
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**NOTICES**

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

**BANKING DETAILS FOR DEPARTMENT OF THE PREMIER**

NEW BANK:	STANDARD BANK
ACCOUNT NAME:	FSPG: DEPARTMENT OF THE PREMIER
ACCOUNT NUMBER:	240 322 029
BRANCH NAME:	BRANDWAG BRANCH
BRANCH CODE:	05 5534 00
REFERENCE NO.:	AS DISCUSSED UNDERNEATH
ACCOUNT HOLDER:	FSPG: DEPT PREMIER
FAX NO.	(051) 405 4396

- NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.
- YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.
- WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.

<b><u>ENQUIRIES CONTACT:</u></b>	<b><u>TEL NO.</u></b>
MS C TSHABALALA	(051) 403 3139
MRS M.E. MATILE	(051) 403 3590

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**NOTICE**

**PLEASE TAKE NOTE:** THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.

THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.

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