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[PROVINCIAL NOTICE NO. 171 OF 2017]**BY-ELECTIONS IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: MANGAUNG METRO MUNICIPALITY WARD 12**

Under the powers vested in me by section 25(4) of the Local Municipal Structures Act, 1998 (Act No 117 of 1998), I, **S.H. Ntombela**, Member of the Executive Council responsible for Local Government in the Free State Province and after consultation with the Electoral Commission, hereby call a by-election and set 18 October 2017 as the date for the by-election to be held in Ward 12 of the Mangaung Metro Municipality.

[PROVINSIALE KENNISGEWING NR. 171 VAN 2017]**TUSSENVERKIESING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: MANGAUNG METRO MUNISIPALITEIT WYK 12**

Kragtens die bevoegdheid my verleen by artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), skryf ek **S.H. Ntombela**, Lid van die Plaaslike Regering in die Vrystaat Provinsie 'n tussenverkiesing uit en bepaal ek, na oorleg met die Verkiesingskommissie, 18 Oktober 2017 as die dag en datum waarop die tussenverkiesing in Wyk 12 van die Metro Munisipaliteit van Mangaung gehou moet word.

[PROVINCIAL NOTICE NO. 172 OF 2017]**APPOINTMENT OF MEMBERS TO THE NKETOANA MUNICIPAL PLANNING TRIBUNAL IN TERMS OF SECTION 35 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013**

I hereby appoint the following persons as members of the Nketoana Municipal Planning Tribunal in terms of Section 35 of the Spatial Planning and Land Use Management Act.

MUNICIPAL MEMBERS

Mr. Andile Motaung
Ms. Morakane Moletsane
Mr. Bongani Maputuma

EXTERNAL MEMBERS

Advocate Molemane Thebe
Gysbert Joubert Engelbrecht
Rose Mdubeki
David Mngcolwani

The commencement date of the Nketoana Municipal Planning Tribunal will be the 30 September 2017. The *domicilium citandi et executandi* for the purpose of accepting land development applications, legal proceedings and giving or sending notices are the following addresses:

Physical Address:

Cnr Church & Voortrekker Street
Reitz
9810

Postal Address:

P O Box 26
Reitz
9810

**MUNICIPAL MANAGER
NKETOANA LOCAL MUNICIPALITY**

[PROVINCIAL NOTICE NO. 173 OF 2017]

**NKETOANA (F.S. 193)
(Reitz, Petrus Steyn, Lindley & Arlington)
LOCAL MUNICIPALITY**

Notice is hereby given in terms of Sec 14(1) and 14(2) of the Local Government: Municipal Property Rates Act (6 of 2004); that the Council resolved by way of council resolution number 218/06 (15/06/2017) to levy rates on property reflected in the schedule below with effect from 1 July 2017.

Business, Commercial and Industries	0,0048926c/R
Residential Property	0,0048926c/R
Municipal Property (Ratable)	0,000000c/R
State Property	0,0312800c/R
Agricultural/Farming land used for bona fide farming	0,0019251c/R
Public Service Infrastructure	0,0019251c/R
Vacant land (irrespective of zoning)	0,0097851c/R
Mining Property	0,0048926c/R
Place of worship	0,000000c/R

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection at the municipality's offices, website (www.nketoana.fs.gov.za) and all public libraries

M.P Manzi
Acting Municipal Manager
Cnr. Church/Voortrekker Str
REITZ
9810

[PROVINSIALE KENNISGEWING NR. 173 VAN 2017]

**NKETOANA (F.S. 193)
(Reitz, Petrus Steyn, Lindley & Arlington)
PLAASLIKE MUNISIPALITEIT**

Kennis geskied hiermee in terme van Artikel 14(1) en 14(2) van die "Local Government Municipal Property Act (6 of 2004)" dat die Raad per raadsbesluit 218/06 (15/06/2017) besluit het om belasting te hef op eiendom soos weergegee in die onderstaande skedule vanaf 1 Julie 2017:

Besigheid, Komersieel en Indistrieel	0,0048926c/R
Residensiele Eiendom	0,0048926c/R
Munisipale Eiendom (Belasbaar)	0,000000c/R
Staats Eiendom	0,0312800c/R
Landbougrond wat (alleenlik vir bona fide boerdery)	0,0019251c/R
Publieke Diens Infrakstruktuur	0,0019251c/R
Onverbetered Erwe (ongeaag sonering)	0,0097851c/R
Myn Eiendomme	0,0048926c/R
Plek van Aanbidding	0,000000c/R

Volledige inligting rakende die Raad se besluit en rebate, kortings en kwytskeldings rakende elke kategorie van eienaars van eiendom of eienaars van 'n spesifieke kategorie van eiendom soos bepaal ooreenkomstig die kriteria vervat in die munisipaliteit se beleid is beskikbaar vir inspeksie by munisipaliteit se kantore, webtuiste (www.nketoana.fs.gov.za) en by die biblioteke.

M. P Manzi
Waarnemende Munisipale Bestuurder
H/v. Kerk/Voortrekker Str
REITZ
9810

[PROVINCIAL NOTICE NO. 174 OF 2017]

**NKETOANA LOCAL MUNICIPALITY NOTICE
CREDIT CONTROL AND DEBT COLLECTION BY-LAW**

Notice is hereby given that in terms of Section 13, of the Local government: Municipal Systems Act, Act 32 of 2000, the Nketoana Local Municipality has passed the By-law as set out below.

NKETOANA LOCAL MUNICIPALITY

Credit Control and Debt Collection By-law

To give effect to the Municipality's Credit Control and Debt Collection Policy, its implementation and enforcement in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 and Sections 96 & 98 of the Municipal Systems Act, 2000; to provide for the collection of all monies due and payable to the Municipality; and to provide for matters incidental thereto.

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1. Definitions

In this By-law, unless the context indicates otherwise –

“**act**” - the Local Government Act: Systems Bill, 2000 (act No 32 of 2000) as amended.

“**arrangement**” - a written agreement entered into between the Council and the debtor where specific repayment parameters/conditions for the repayment of debt are agreed to.

“**arrears**” – means any amount due and payable to the Municipality and not paid by the due date.

“**authorized representative**” – a person, persons or instance legally appointed by the Council to act or to fulfil a duty on its behalf

“**CFO**” – a person appointed as the Chief Financial Officer of the Municipality, or his/her nominee.

“**Council**” – means the Council of the Municipality.

“**Councilor**” – means a member of the Council.

“**credit control**” – all functions/actions relating to the collection of debt.

“**customer**” or “**user**” – any occupier/owner to who services is supplied

“**debt**” – monies owing to the Municipality in respect of the rendering of services and includes monies owing in regard to property rates, housing, leases, rentals, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality.

“**debtor**” – any person who owes a debt to the Municipality.

“**defaulter**” – any person who defaulted on any payments for money owed to the Municipality.

“**due date**” – the final date on which a payment, as shown on the debtor's municipal account, is due and payable.

“**engineer**” – the person in charge of the civil and/or electrical component of Council.

“**equipment**” – a building or other structure, pipe, pump, wire, cable, meter, engine or any accessories.

“**implementing authority**” – the Municipal Manager or his/her nominee acting in terms of Section 100 of the Systems Act.

“**indigent debtor**” – a debtor who meets certain criteria as determined by the Municipality from time to time.

“**interest**” – a rate of interest, charged on overdue accounts, which is five percent higher than the prime rate, which is obtainable from any commercial bank on request, unless determined otherwise by the Municipality, on capital, based on a full month and part of a month must be deemed to be a full month.

“**Municipality**” – the Nketoana local Municipality and includes any municipal entity established by such municipality.

“**municipal entity**” – any municipal entity as defined in Section 1 of the Municipal Systems Act, No 32 of 2000.

“**Municipal manager**” – the person appointed as Municipal Manager in terms of Section 82 of the Local Government: Structures Act, Act 117 of 1998 and include any person acting in that position or to whom authority was delegated.

“**occupier**” – any person who occupies any property or part thereof, without regard to the title under which he/she occupies the property

“**official**” – an “official” as defined in Section 1 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

“**owner**” –

- (a) The person in whom from time to time is vested the legal title to premises;
- (b) In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- (d) In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) In relation to-
 - (i) A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property; or

- (ii) A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) Any legal person including but not limited to-
 - (i) A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust, a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a voluntary association;
 - (ii) Any department of State;
 - (iii) Any Council of Board established in terms of any legislation applicable to the Republic of South Africa;
 - (iv) Any Embassy or other foreign entity;

“policy” – the Municipality’s Credit Control and Debt Collection policy.

“premises” - Includes any piece of land, the external surface boundaries of which are delineated on-

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

“service” the “municipal service as defined in Section 1 of the Systems Act, and includes a function listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality.

“supervisory authority” - the Executive committee of the Municipality or its nominee, acting in terms of Section 99 of the Systems Act.

“Systems Act” – the Local Government: Municipal Systems Act, No 32 of 2000.

“third party debt collector” – any person or persons authorized to collect monies or institute legal proceedings against debtors, on behalf of the Municipality.

“this By-law” – includes the Credit Control and Debt Collection Policy.

“total household income” or **“household income”** – the total formal and informal gross income of all people living permanently or temporarily on the property on which the account is based.

2. Duty to collect debts

All debt owing to the Municipality must be collected in accordance with this By-law, Policy or any other legislative requirements.

3. Provision of services

New applications for services and the provision of new services must be dealt with as prescribed in the By-law and the Policy.

4. Service agreements

Except as otherwise determined in terms of this By-law and the Policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service. The current conditions, regulations and/or legislative requirements will apply in the absence of a written agreement.

5. Deposits

The Municipality may require the payment of a deposit for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed in this By-law and the Policy.

6. Interest charges

The Municipality may charge and recover interest in respect of any arrear debt, as prescribed in this By-law and the Policy.

7. Arrangements to pay arrears

- (1) The Municipal Manager may make arrangements with a debtor to pay any arrear debt under conditions a prescribed in terms of this By-law and the Policy
- (2) Should any dispute arise out of the amount of the arrear debt, the debtor must nevertheless continue to make reasonable and regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

8. Arrangements with a debtor’s employer

The Municipal Manager may –

- (a) with the consent of a debtor, enter into an agreement with that person’s employer to deduct from the salary or wages of that debtor–
 - (i) any outstanding amounts due by the debtor to the Municipality; or
 - (ii) regular monthly amounts as may be agreed; and
- (b) provide special incentives for –
 - (i) employers to enter into such agreements; and
 - (ii) debtors to consent to such agreements.

9. Power to restrict or disconnect supply of services

- (1) The Municipal Manager may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service –
 - (a) fails to make payment on the due date;
 - (b) fails to comply with an arrangement; or
 - (c) fails to comply with a condition of supply imposed by the Municipality;
 - (d) tenders a negotiable instrument which is dishonored by the bank, when presented for payment.
- (2) The Municipal Manager may reconnect and restore full levels of supply of any of the restricted or discontinued services only –
 - (a) after the arrear debt, including the costs of disconnection or reconnection, if any, have been paid in full and any other conditions have been complied with; or
 - (b) after an arrangement with the debtor has been concluded.
- (3) The Municipal Manager may restrict, disconnect or discontinue any service in respect of any arrear debt.

10. Recovery of debt

Subject to Section 9, the Municipal Manager, must, with regards to rates, and may, with regards to other debt –

- (a) by legal action recover any debt from any person; and
- (b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996, and

may refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.

11. Recovery of costs

The Municipal Manager may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality:

- (a) costs and administration fees where payments made to the Municipality by negotiable instruments are dishonored by banks when presented for payment and the Municipality may refuse any further such negotiable instruments in future if such instruments by a debtor were dishonored more than three times;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this By-law and Policy;
- (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.
- (f) any fines and/or penalties charged in the process

12. Attachment

The Municipal Manager may, in order to recover debt, approach a competent court for an order to attach a debtor's moveable and immoveable property.

13. Claim of rent for outstanding debt

The Municipal Manager may, in terms of Section 28 of the Municipal Property Rates Act, No 6 of 2004, attach any rent, due in respect of any ratable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

14. Full and final settlement payments

- (1) Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Municipality.
- (2) No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount, must be accepted, unless confirmed in writing by the Municipal Manager.
- (3) Notwithstanding subsection (14.2), the payment so offered must be credited against the debtor's account, without prejudice to the Municipality's right.

15. Consolidation of a debtor's accounts

- (1) The Municipal Manager may –
 - (a) consolidate any separate accounts of a debtor;
 - (b) credit a payment by a debtor against any account of that debtor; and
 - (c) implement any of the measures provided for in this By-law and the policy, in relation to any arrears on any of the accounts of such debtor.
- (2) Subsection (15.1) does not apply where there is a dispute between the Municipality and a debtor referred to in that subsection concerning any specific amount claimed by the Municipality from that person.

16. Indigents

A debtor, who can prove indigence, will be dealt with as prescribed in the relevant policies.

17. Delegation

The Municipal Manager may delegate any of his or her powers in terms of this By-law or the Policy to any employee or official of the Municipality and any board member of a municipal entity subject to applicable legislation.

18. Offences and penalties.

Any person who –

- (a) obstructs or hinders any councilor or official of the Municipality in the execution of his or her duties under this By-law or the Policy;
 - (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
 - (c) tampers with any municipal equipment or breaks any seal on a meter;
 - (d) contravenes or fails to comply with the provisions of this By-law or the policy; or
 - (e) fails to comply with a notice served in terms of this By-law or the Policy,
- is guilty of an offence and liable on conviction to a penalty and/or other legislative process.

19. Short title

This By-law is called the Nketoana Local Government: Credit Control and Debt Collection By-law, 2014.

[PROVINCIAL NOTICE NO. 175 OF 2017]

Notice is hereby given that in terms of Section 13, of the Local government: Municipal Systems Act, Act 32 of 2000, the Nketoana Local Municipality has passed the By-law as set out below.

NKETOANA LOCAL MUNICIPALITY**Title: Indigent Support By-law**

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1. Definitions

For the purpose of this By-law any word or expression to which a meaning has been assigned in the Act shall bear the same meaning in this By-law unless the context indicates otherwise.

In this By-law, unless the context indicates otherwise –

"account" means any account rendered for municipal services provided;

"Act" means the Local Government: Municipal Systems Act, Act No 32 of 2000) as amended from time to time;

"actual consumption" means the consumption measured of any consumer;

"apparatus" includes a building, structure, pipe, pump, wire, cable, meter, machine, mechanism or any fitting.

"applicable charge" means the rate, charge, tariff, flat rate or subsidy determined by the Municipality;

"approved" means approved by the Municipality;

"area of supply" means any area within or partly within the area of jurisdiction of the Municipality for which a municipal service(s) is/are provided;

"authorized agent" Any person, persons or instance legally appointed by the Council to act or to fulfil a duty on its behalf

"authorized official" means any official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"availability charge" – means the approved charge on water and electricity based on the availability of the main infrastructure of the Municipality on developed and undeveloped properties.

"basic water supply" means the minimum standard of water supply services necessary for the reliable supply (including the availability charge) of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"billing" means proper formal notification on an account to persons liable for payment of accounts levied for assessment rates, taxes, and charges on fees for services, levies, fines, penalties or any other related costs.

"Council" means the municipal Council as contemplated in section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"credit control and debt collection" – all functions/actions relating to the collection of debt.

“**customer**” or “**user**” – any occupier/owner to whom services are supplied.

“**customer management**” means focusing on the client’s needs in a respective and reciprocal relationship between persons liable for these payments and the municipality, and when applicable, a service provider, thereby limiting the need for enforcement.

“**debt**” – monies owing to the Municipality in respect of the rendering of services and includes monies owing in regard to property rates, housing, leases, rentals, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality.

“**debtor**” – any person who owes a debt to the Municipality.

“**defaulter**” – any person who defaulted on any payments for money owed to the Municipality.

“**determined**” means determined by the Municipality from time to time;

“**domestic purposes**”, in relation to the supply of water, means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;

“**due date**” – the final date on which a payment, as indicated, is due and payable.

“**dwelling unit**” means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;

“**Enforcement notice**” means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 111;

“**engineer**” – the person in charge of the civil and/or electrical component of Council.

“**estimated consumption**” – an estimated usage of a service based on reasonable criteria such as an average on usage history.

“**government pension grant**” means the basic grant given by the government to pensioners.

“**household**” means the family unit of persons, or individuals, in occupation of a building(s) or part of a building(s), designed for residential occupation by such family unit, or individuals;

“**indigent (households) persons**” mean households (persons) who are at and below the poverty threshold level as determined by the Municipality from time to time.

“**indigent tariff (charge)**” means tariff as determined by the Council.

“**indigent subsidy**” refers to the allocation from the equitable share grant as determined by the Council.

“**interest**” – a rate of interest, charged on overdue accounts, which is five percent higher than the prime rate, which is obtainable from any commercial bank on request, unless determined otherwise by the Municipality, on capital, based on a full month and part of a month must be deemed to be a full month.

“**law**” means any law, including the common law;

“**Municipality**” means:

- (a) the Nketoana Local Municipality or its successors in title; or
- (b) The Municipal Manager in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws; or
- (c) An authorized agent;

“**Municipal Manager**” means the person appointed by the Municipality as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person:

- (a) Acting in such a position; and
- (b) To whom the Municipal Manager has delegated a power, function or duty;

“**municipal service**” means, for purposes of these by-laws, a service provided by the Municipality, and includes a refuse removal service, a water supply service, a sanitation service or an electricity service;

“**occupier**” – any person who occupies any property or part thereof, without regard to the title under which he/she occupies the property

“**official**” – an “official” as defined in Section 1 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

“**owner**” –

- (a) The person in whom from time to time is vested the legal title to premises;
- (b) In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- (d) In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) In relation to-
 - (iii) A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property; or
 - (iv) A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) Any legal person including but not limited to-
 - (v) A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust, a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a voluntary association;
 - (vi) Any department of State;
 - (vii) Any Council of Board established in terms of any legislation applicable to the Republic of South Africa;
 - (viii) Any Embassy or other foreign entity;

“**pensioner**” means all pensioners excluding pensioners receiving the government pension grant.

"person" means a natural person, a local government body, a company or close corporation incorporated under any law, a body of persons, whether incorporated or not, a statutory body, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs, a public utility body, a voluntary association or a trust;

"threshold level" refers to total household income that does not exceed the amount approved by the Council from time-to-time.

"prescribed" means, determined by resolution of the Municipality from time to time;

"prescribed tariff or charge" means an approved tariff or charge;

"public notice" means notice in the official languages determined by the Municipality and in an appropriate medium that may include one or more of the following:

- (a) The publication of a notice –
 - (i) In a local newspaper or newspapers in the area of the Municipality; or
 - (ii) In a newspaper or newspapers circulating in the area of the Municipality and determined by the Municipality to be a newspaper of record; or
- (b) The broadcasting of a notice by means of radio broadcasts covering the area of the Municipality; or
- (c) The displaying of a notice at appropriate offices and pay points of the Municipality; or
- (d) The official website of the Municipality.
- (e) The communication of the content of a notice to consumers through public meetings and ward committee meetings;

2. Legislation

The By-law is developed and implemented within the framework of; inter alia, the following legislation:

- (a) The Constitution of the Republic of South Africa, Act No 108 of 1996
- (b) The Municipal Systems Act, Act No 32 of 2000.
- (c) The Municipal Finance Management Act, Act No 56 of 2003.
- (d) The Promotion of Administrative Justice Act, Act No 3 of 2000.
- (e) The Promotion of Access to Information Act, Act No 2 of 2000.
- (f) The Municipal Property Rates Act, Act No 6 2004.
- (g) Conditions of National Equitable Share Grant ("S" Grant) earmarked for service delivery to the poor.

This By-law is consistent with the terms and conditions of the related By-laws and Policies, Indigent, Credit Control and Debt Collection, Tariff, Write-off and Property Rates of the Nketoana Local Municipality.

3. Scope and Objective

The Constitution of the Republic of South Africa (No 108 of 1996) read in conjunction with the Municipal Systems Act (Act No 32 of 2000), other related regulations, the Batho Pele principles and the Nketoana Local Government policies and by-laws forms the basis for the administration of the indigent determinations and offerings towards the local communities.

The objective of the By-law is to ensure that:

- (1) The provision of free basic services is in accordance with national guidelines in relation to poor households
- (2) Acknowledgement by the Municipality that the cost of basic services are not affordable for all residents and the need to ensure that a cost effective environment is created for those households to ensure access to basic services.
- (3) Proper procedures and guidelines for the provision of free basic services to certain households within the Municipality are in place.
- (4) Guidelines and procedures are in place to identify those households that must be subsidized on the basic services.
- (5) Control measures and reporting standards are aligned with applicable legislation.

4. Responsibility/Accountability

- (1) Municipal Manager is in accordance with Section 62 of the Municipal Finance Management Act of a municipality is responsible for managing the financial administration of the municipality. This Municipal Manager must, for this purpose, take all reasonable steps to ensure that the municipality has and implements an indigent policy/by-law.
- (2) Should the Municipal Manager his/her designate experience undue interference or influence by a councilor that prohibits the execution of his/her responsibilities with regard to this By-law, he/she should report this to the Member of Executive Council for Local Government and Housing.
- (3) The council has the overall responsibility for laying down the indigent support policy/by-law.
- (4) The By-law must be read together with relevant policies and by-laws.
- (5) The Council oversees and monitors the implementation and enforcement of this By-law.
- (6) The Municipal Manager must implement and enforce this By-law, Policy and any relevant by-laws and policies.
- (7) The Municipal Manager must establish and control the administration necessary to fulfill this By-law, and report efficiently and regularly to the Mayor in this regard.
- (8) The Municipal Manager may delegate authority for control and administration of this By-law to the Chief Finance Officer.

5. Procedures and program

- (1) The source of funding will be the Equitable Share allocation to the Municipality as allocated and determined via the annual Budget and the Tariff By-law, -Policy and -List

- (2) Qualification –
- (a) The usage of the property must be predominantly residential
 - (b) The total household income must be below the annual Municipality approved limit. The following income will be excluded as household income –
 - (i) Government Forster Child Grant
 - (ii) Government Pension grant
 - (iii) Donations (Not exceeding the approved monthly income limit)
 - (iv) Government Child Support Grant
 - (v) Government Care Dependency Grant
 - (vi) Government Disability Grant
 - (c) In the case of a registered owner, indigent support will only be granted on one property.
 - (d) In the case of an occupier –
 - (i) a grant will only be approved if the property carries no other outstanding debt such as property rates.
 - (ii) With the written approval of the owner or authorized agent.
- (3) The Municipal Manager may instruct that pre-paid metering systems be installed and in cases where the actual usage exceeds the subsidized usage and it is not paid by the due date, that restrictions may be implemented to limit such usage to the approved subsidized usages.
- (4) Application for indigent support must:
- (a) Be done on the approved Municipality application form.
 - (b) Be accompanied with the following documentation –
 - (i) Latest service account
 - (ii) Proof of residence
 - (iii) ID Document (Original)
 - (iv) Number and names of dependents (Original ID documents where applicable)
 - (v) Water and electricity numbers (Including Eskom meter numbers where applicable)
 - (vi) Latest pay slip or bank statement as proof of income (Original – where applicable)
 - (vii) SAPS affidavit that no income is received (Original)
- (5) Only fully completed and signed application forms will be accepted and considered at any of the Nketoana municipal offices.
- (6) The applications will be submitted to the Municipal Manager or the designated person for approval.

6. Control

The following control measures are included in the process to ensure control:

- (1) Application forms include a sworn affidavit of the correctness of information supplied
- (2) Only original documentation must be supplied as prescribed by the application form. Copies will be made by officials.
- (3) Applications will be verified by the respective ward councilor.
- (4) The Municipal Manager or his designated person will approve the application.
- (5) Approved application forms will be submitted to the indigent official for
 - (a) confirmation of supplied information
 - (b) capturing on the financial system.
- (6) Indigent lists will be generated and reported on
- (7) Performance achievements will be measured against performance targets with applicable actions where relevant.
- (8) The Credit Control and Debt Collection actions will be implemented against any arrear indigent accounts.
- (9) The Municipality may refuse the sale of electricity to any arrear indigent households.

7. Audit

The process of auditing the indigent applications will be as follows:

- (1) All indigent registrations will be audited by the indigent clerk.
- (2) Should the audit establish that the person filed a false application this will be communicated to the Councilor who will be required to confirm the facts with 14 days.
- (3) If the Councilor confirms in writing that a false application was filed the customer will be removed from the indigent register, the arrears written off will be reinstated onto the customer's account.
- (4) If the Councilor confirms that the indigent application was correct then the customer will remain on the indigent register.
- (5) Should the Councilor not confirm the status of the indigent application within the stipulated 14 days it will be assumed that the application was false and the customer will be removed from the indigent register.
- (6) In the event of the death of an indigent customer the following procedures will apply:
- (7) Proof of the death of a customer must be provided.
- (8) The occupier (as per written authorization by the administrator of the estate) of the property must be allowed to open an account.
- (9) The occupier opening the new account must complete the required disconnection form for the deceased.
- (10) After completing the required disconnection form for the deceased the occupier must complete the required connection form for service provision and if applicable register as an indigent consumer.
- (11) The new occupier of the property must pay the prescribed applicable consumer deposit and connection fees.

- (12) The process of transferring the property to the new owner must be proceeded with.
- (13) When a non-indigent customer becomes indigent the debt of the customer must be written off. Interest on arrear charges will be applicable to indigent customer accounts.

8. Benefits

Successful indigent households will qualify for the benefits as listed below. Registered welfare organizations will receive the same benefits as stated below whilst the pensioners will only qualify for the subsidized water and electricity usages as indicated below.

- (1) Property Rates. All property rates on a registered owner qualifying for indigent support will be subsidized.
- (2) Water:
- (a) Water availability charge. The water availability charge will be subsidized in full.
- (b) Water consumption. The water consumption subsidy will be limited to the usage as approved by the Municipality from time-to-time.
- (3) Electricity:
- (a) Electricity availability charge. The electricity availability charge will be subsidized in full.
- (b) Electricity consumption. The electricity consumption subsidy will be limited to the usage as approved by the Municipality from time-to-time.
- (4) Sewerage. The minimum charge for residential services will be subsidized in full.
- (5) Refuse. The minimum charge for residential services will be subsidized in full.
- (6) Arrears. The arrears of an indigent will be written off in full.
- (7) Children who have lost both parents and who have inherited fixed property and subject to the inability of the estate to pay arrear municipal accounts can register as indigents and the municipality can write off the arrears on such fixed property due to the municipality, only if such property is to be registered (or allocated) in the names of such orphans.

9. Malpractice

In a case where malpractice is discovered by any successful indigent applicant, the following may be instituted:

- (1) Incorrect or false information supplied on the application form –
- (a) Suspend/stop the relieve with immediate effect,
- (b) Recover all relieve given by debiting all charges against the account from date of relieve,
- (c) Apply standard credit control and debt collection processes against the recipient, and may
- (d) Institute criminal charges of fraud against the recipient.
- (2) Theft and fraud –
- (a) Any person found to be illegally connected or reconnected to municipal services, tampering with meters, reticulation network or any other supply equipment with the supply of municipal services, as well as theft and damage to Council property, will be liable for penalties as determined from time to time.
- (b) Council will immediately terminate the subsidy and the supply of services to a customer should conduct as outlined above be detected.
- (c) The total bill owing, including penalties, assessment of unauthorized consumption and discontinuation and reconnection fees, and increased deposits as determined by council if applicable, becomes due and payable before any reconnection can be sanctioned.
- (d) The debt collection process as outlined by the Credit Control and Debt Collection by-law/policy shall become applicable immediately.

10. Authority

Formulation Policy :Chief Financial Officer
 Authorization Policy :Council
 Ownership and Maintenance Manager :Assistant Manager: Credit Control

[PROVINCIAL NOTICE NO. 176 OF 2017]

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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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 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).

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.
 - (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 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 and 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 : 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**
- 15.1 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.
- 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.
- 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.
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- 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 is 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.

[PROVINCIAL NOTICE NO. 177 OF 2017]

**NKETOANA LOCAL MUNICIPALITY
TITLE: TARIFF BY-LAW**

To give effect to the implementation of the Nketoana Local Municipality's individual tariff policies and to provide for matters incidental thereto.

Preamble

1. Section 229(1) of the Constitution of the Republic of South Africa authorizes a municipality to impose
 - a) Rates on property and surcharges on fees for services provided by or on behalf of the municipal, and
 - b) If authorized by national legislation, other taxes, levies and duties.
2. In terms of section 75A of the Systems Act, 32 of 2000, a municipality may:
 - a) Levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and
 - b) Recover collection charges and interest on any outstanding debt.
3. In terms of section 74(1) of the Systems Act, 32 of 2000, a municipal council must adopt and implement a tariff policy and by-law on the levying of fees for a municipal service provided by the municipality or by way of services delivery agreements and which complies with the provisions of the Systems Act, the Local Government Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
4. In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
5. In terms of section 75(2) of the Systems Act, 32 of 2000, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

BE IT THEREFORE ENACTED by the Council of the Nketoana local Municipality, as follows:-

Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these By-laws, and unless the context indicates otherwise —

“**Council**” means the Council of the Nketoana Local Municipality;

“**Credit Control and Debt Collection By-law and policy**” means the Credit Control and Debt Collection Policy as required in terms of section 96(b) and 97 and 98 of the Local Government: Municipal Systems Act, Act 32 of 2000;

“**Tariff**” means fees, charges or any other tariffs levied by the council in respect of any function or service provided by the Council, excluding rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004;

“**Tariff policy**” means a tariff policy adopted by Council in terms of this By-law.

1. Guiding principles in the determination of tariffs.

In the determination of tariffs the Council shall be guided by the following principles –

- i. Tariffs shall be equitable and affordable in that the amount due for municipal services should generally be in proportion to their use of that service;
- ii. Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa
- iii. Tariffs shall be cost effective and cost reflective and should reflect the cost reasonably associated with rendering municipal services, including capital, operating, maintenance, administration, replacement costs and financing charges;
- iv. Tariffs shall promote the sustainability of the provision of municipal services.

2. Application of By-Law

This by-law shall only apply to tariffs applicable to the Council and municipal entities in respect of which the municipality is the parent municipality for –

- (1) Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –
- (i) provision of water (including availability charges);
 - (ii) refuse removal;
 - (iii) sewerage;
 - (iv) removal and purification of sewerage;
 - (v) electricity consumption and availability charges;
 - (vi) municipal services provided through prepaid meters.
 - (vii) all other related costs for services rendered in terms of the service
 - (viii) interest which has accrued or will accrue in respect of money due and payable to the Council;
 - (ix) collection charges in those cases where the Council is responsible for
- (2) The rendering of municipal accounts in respect of any one or more of the municipal services;
- (3) The recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

3. Adoption and implementation of Tariff Policy/By-law

The council shall adopt and implement a tariff policy and by-law on the levying of fees for a municipal service provided by the council or by way of service delivery agreements which complies with the provisions of the Local Government: Municipal Systems Act, 32 of 2000, the Local Government Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

4. Enforcement of Tariff Policy/By-law

The Council's tariff policy and by-law shall be enforced through the Credit Control and Debt Collection By-Law and policy and any further enforcement mechanism stipulated in the Council's tariff policy/by-law.

5. Short title and commencement

This By-law is the Tariff By-law, and takes effect on 1 July 2014

[PROVINCIAL NOTICE NO. 178 OF 2017]

**KOPANONG LOCAL MUNICIPALITY
ESTIMATES, RATES AND TARIFFS FOR 2017/2018**

(A) ESTIMATES

It is hereby notified for general information that the Council had framed its estimates of revenue and expenditure for the financial year ending 30 June 2018 in terms of Section 81 of Ordinance No. 8 of 1962 and The municipal Finance Management Act 56 of 2003, that the copies thereof and a full tariff list are open for inspection during office hours at the Office of the Financial Manager, Kopanong Municipality, Xhariep District Municipal Offices, Trompsburg.

(B) RATES ON VALUATION OF MARKET VALUE

It is further notified that the municipal rate for the new financial year has been assessed as follows:

- (i) Undeveloped erven – 0.03221 in the Rand on the market value of the property
- (ii) Residential Property – 0.01611 in the Rand on the market value of the property.
- (iii) Farms – 0.00235 in the Rand on the market value of the farm.
- (iv) Businesses property – 0.01611 in the Rand on the market value of the property.
- (v) Government Property – 0.03221 in the Rand on the market value of the property.

Rates become due and payable in twelve monthly payments from 1 July 2017.

(C) TARIFFS FOR SERVICES

It is further notified that tariffs for municipal services for the new financial year will be as follows excluding Value Added Tax.

WATER

Indigent

0 to 6Kl	Free to all indigent consumers
7 to 20Kl	R 16.62 per kiloliter
21 to 30Kl	R 17.07 per kiloliter
>30Kl	R 17.57 per kiloliter

Residential:		All other users:	
0 to 6KI	R 15.83 per kiloliter	0 to 6KI	R 16.73 per kiloliter
7 to 20KI	R 16.62 per kiloliter	7 to 20KI	R 17.38 per kiloliter
21 to 30KI	R 17.07 per kiloliter	21 to 30KIR	R 17.89 per kilolitre
>30KI	R 17.57 per kiloliter	>30KI	R 18.44 per kiloliter

Basic water levy if water meter broken R 354.59
 Basic levy for consumers that use boreholes R 50.00

All other sundry water tariffs as per the tariff list for the 2017/2018 financial year.

SEWERAGE

Residential	R 93.98	Schools	R 220.34 – R 881.01
Commercial	R 189.39	Churches	R 93.00
Industrial	R 227.26	Sport Fields & Clubs	R 187.08
Hotels	R 873.37	Crèche: Private	R 440.48
Guesthouses 1 – 5 rooms	R 189.39	Abattoir	R 873.37
Guesthouses 6 – 10 rooms	R 378.78	Government Offices	R 208.32
Guesthouses > 10 rooms	R 873.37	Magistrate Offices	R 1048.04
Police Stations	R 378.78	Hospitals	R 881.01
Crèche Government	R 208.32	Old Age & Children Homes	R 436.68
Correctional Services	R 1500.56		

All other sewerage and sundry sewerage tariffs as per the tariff list for the 2017/2018 financial year.

REFUSE REMOVAL

Residential	R 68.01	Schools	R 160.18 – R 640.73
Commercial	R 137.72	Churches	R 67.64
Industrial	R 165.28	Sport Fields & Clubs	R 136.09
Hotels	R 635.17	Crèche: Private	R 320.35
Guesthouses 1 – 5 rooms	R 137.72	Abattoir	R 635.17
Guesthouses 6 – 10 rooms	R 275.46	Government Offices	R 151.52
Guesthouses > 10 rooms	R 635.17	Magistrate Offices	R 762.21
Police Stations	R 395.72	Clinics	R 640.73
Hospitals	R 640.73	Crèche Government	R 151.52
Old Age & Children Homes	R 317.61	Correctional Services	R 1091.31

All other refuse removal and sundry refuse removal tariffs as per the tariff list for the 2017/2018 financial year.

AD-HOC TARIFFS

- As per the tariff list for the 2017/2018 financial year.
- These include all tariffs that are not included in the tariffs as defined above and are not used by all consumers. These are tariffs that are used on a need basis.
- These tariffs had been increased by 10% from the previous year.

All tariffs exclude VAT except in the case of Assessment Rates that are zero-rated.

Any person who desires to object to the new tariff being implemented shall do so in writing, within 30 days from the date of this notice being published in the press, to the Municipal Manager, Private bag x 23, Trompsburg, 9913.

All moneys due to the Council will be payable on the first day of the month follow the month of consumption and/usage, failing which, interest may be levied at a rate two percent higher than the rate payable by the Council to its bank in respect of an overdraft, for the period during which such amounts remain unpaid.

M Koatla
Acting Chief Financial Officer
Kopanong Local Municipality