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PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 165

MOGALAKWENA MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Mogalakwena Municipality has made the by-laws set out hereunder:

PROPERTY RATES BY-LAWS

WHEREAS

- (1) Section 229(1) of the Constitution authorizes a municipality to impose rates on property;
- (2) Section 3 of the Property Rates Act determines that a council of a municipality must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality;
- (3) Section 6(1) of the Property Rates Act determines that a municipality must adopt by-laws to give effect to the implementation of its rates policy.

NOW THEREFORE be it enacted by the Municipality of Mogalakwena as follows:

1. Interpretation

In this By-laws, unless the context otherwise indicates-

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

"Municipality" means the Mogalakwena Municipality;

"Property Rates Act" means the Local Government : Municipal Property Rates Act, 2004 (Act 6 of 2004);

"rate" or **"rates"** means a municipal rate on property as envisaged in section 229 of the Constitution;

"rates policy" means a rates policy adopted by the Municipality in terms of the Property Rates Act and this By-laws;

2. Adoption and Implementation of the rates policy

- (1) The Municipality shall adopt and implement a rates policy on the levying of rates on rateable property in the Municipality which complies with the provisions of the Property Rates Act.
- (2) The Municipality shall implement such rates policy to give effect to it.

3. Content of the rates policy

- (1) The Municipality's rates policy shall be compiled in accordance with section 3 of the Property Rates Act.

4. Enforcement of rates policy

The Municipality's rates policy shall be enforced through this By-laws and the Property Rates Act.

5. Statements or Declarations

No person shall –

- 5.1 make any false application, statement or declaration which will affect the rates payable on any property whether on his/her own behalf or that of someone else;
- 5.2 refuse to report any amendments to an application, statement or declaration, referred to in sub-section 5.1 to the Municipality within 7 days after such occurrence.

6. Penalties

Any person who contravenes the provisions of section 5 shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding R10 000,00 (ten thousand rand) or imprisonment for a period not exceeding 12 (twelve) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

7. Short Title

This By-laws shall be called the Property Rates By-laws of the Mogalakwena Municipality, 2010.

8. Operative date

This By-laws shall take effect on the date of publication in the Limpopo Provincial Gazette.

LOCAL AUTHORITY NOTICE 166**MOGALAKWENA MUNICIPALITY**

Notice is hereby given in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Mogalakwena Municipality has made the by-laws set out hereunder:

TARIFFS BY-LAWS

WHEREAS section 75A of the Local Government : Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount.

AND WHEREAS in terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.

AND WHEREAS in terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS in terms of section 75(2) of the Systems Act, 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.

NOW THEREFORE be it enacted by the Municipality of Mogalakwena as follows:

1. Interpretation

In this By-laws, unless the context otherwise indicates-

"Municipality" means the Mogalakwena Municipality;

"tariff policy" means a tariff policy adopted by the Municipality in terms of the Systems Act and this By-laws;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

"Credit Control and Debt Collection By-laws and Policy" means the Municipality's Credit Control and Debt Collection By-laws and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"Systems Act" means the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000).

"tariff" means fees, charges, or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government : property Rates Act, 2004 (Act 6 of 2004).

2. Adoption and Implementation of the tariff policy

- (1) The Municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.
- (2) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Content of tariff policy

The Municipality's tariff policy shall, *inter alia*:

- (1) apply to all tariffs imposed by the Municipality pursuant to the adoption of the Municipality's annual budget;
- (2) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the Municipality may wish to adopt;
- (3) specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- (4) specify the basis of differentiation, if any, for tariff purposes 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;
- (5) include such further enforcement mechanism, if any, as the Municipality may impose in addition to those contained in the Credit Control and Debt Collection By-laws and Policy;

4. Enforcement of tariff policy

The Municipality's tariff policy shall be enforced through the Credit Control and Debt Collections By-laws and Policy and any further enforcements mechanisms stipulated in the Municipality's tariff policy.

5. Short Title

This By-laws shall be called the Tariffs By-laws of the Mogalakwena Municipality, 2010.

6. Operative date

This By-laws shall take effect on the date of publication in the Limpopo Provincial Gazette.

LOCAL AUTHORITY NOTICE 167**MOGALAKWENA MUNICIPALITY**

Notice is hereby given in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Mogalakwena Municipality has made the by-laws set out hereunder:

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS**WHEREAS**

- (1) Section 156(2) of the Constitution authorizes a municipality to make and administer by-laws;
- (2) Sections 96 of the Systems Act provides that a municipality must collect all money due to it and adopt, maintain and implement a credit control and debt collection policy for this purpose; and
- (3) Section 98 of the Systems Act determines that a municipality must adopt by-laws to give effect to the implementation and enforcement of its credit control and debt collection policy.

NOW THEREFORE be it enacted by the Municipality of Mogalakwena as follows:

1. Interpretation

In this By-laws, unless the context otherwise indicates-

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

"Municipality" means the Mogalakwena Municipality;

"Systems Act" means the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000);

"credit control and debt collection policy" means a credit control and debt collection policy adopted by the Municipality in terms of the System Act and this By-laws;

2. Adoption and implementation of the credit control and debt collection policy

The Municipality shall adopt and implement such credit control and debt collection policy to give effect to it.

3. Content of the credit control and debt collection policy

The Municipality's credit control and debt collection policy shall be compiled in accordance with the provisions of the Systems Act, Local Government : Municipal Property Rates Act, 2004 (Act 6 of 2004), Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and other applicable legislation.

4. Enforcement of credit control and debt collection policy

The Municipality's credit control and debt collection policy shall be enforced through this By-laws and the Systems Act.

5. Offences and penalties

Any person who –

- (a) obstructs or hinders any councillor or official of the Municipality in the execution of his or her duties under this By-laws or the policy;
- (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied or violates the provisions of the Municipality's Electricity Bylaws as well as the Water Services By-laws;
- (c) tampers with any Municipal equipment or breaks any seal on a meter;
- (d) fails to comply with a notice served in terms of this By-laws or Policy;
- (e) supplies false information regarding the supply of services or with regard to an application for assistance as an indigent;

shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding R10 000,00 (ten thousand rand) or imprisonment for a period not exceeding 12 (twelve) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

6. Repeal of By-laws

The By-laws with regard to Credit Control and Debt Collection of the Municipality published in the Provincial Gazette dated 18 January 2002 are hereby repealed.

7. Short Title

This By-laws shall be called the Credit Control and Debt Collection By-laws of the Mogalakwena Municipality, 2010.

8. Operative date

This By-laws shall take effect on the date of publication in the Limpopo Provincial Gazette.
