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 LIMPOPO PROVINSIE
 XIFUNDZANKULU XA LIMPOPO
 PROFENSE YA LIMPOPO
 VUNDU LA LIMPOPO
 IPHROVINSI YELIMPOPO

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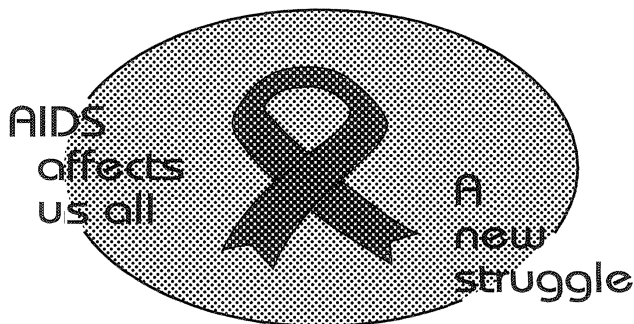
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Buitengewoon
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Gazethe dza Nyingo

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DEPARTMENT OF HEALTH

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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICES			
40	Local Government: Municipal Systems Act (32/2000): Mutale Municipality: Property rates By-laws	3	2181
41	do.: do.: Meetings and Processions By-law.....	8	2181

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 40

MUTALE MUNICIPALITY



PROPERTY RATES BY-LAWS

The Municipal Manager of Mutale Local Municipality hereby, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes property rates by-law for the Municipality as approved by its council, as set out hereunder.

PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, 1996, entitles municipalities to impose rates on property in their areas;

AND WHEREAS the Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;

AND WHEREAS there is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfill its developmental responsibilities;

AND WHEREAS income derived from property rates is a critical source of revenue for municipalities to achieve their constitutional objectives;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) provides that municipality must adopt by-laws to give effect to implementation of the rates policy;

BE IT THEREFORE ENACTED by the Mutale Local Municipality, as follows:

TABLE OF CONTENTS

1. Definitions
2. Categories of properties
3. Exemption of owners of properties
4. Categories of owners of properties
5. Liability for Rates
6. General Valuation
7. Offences
8. Short title

1. Definitions

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004, bears that meaning, and unless the context indicates otherwise –

“business” in relation to property, means the use of property for the activity of buying, selling or trading in commodities or services on a property and includes any office or other accommodation on the same property, the use of which is incidental to such activity, but does not include the business of agriculture, farming, or any other business consisting of the cultivation of soils, the gathering in of crops, the rearing of livestock or the propagation and harvesting of fish or other aquatic organisms;

“Category” means the category in relation to properties for the purpose of levying different rates, and category in relation to owners of properties for the purpose of granting exemptions, rebates and reductions;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended;

“Credit Control and Debt Collection By-laws” means the Municipality’s promulgated Credit Control and Debt Collection By-laws, as amended from time to time;

“Non-permitted use” in relation to property, means any use of a property that is inconsistent with or in contravention with the permitted use of that property in which event and without condoning the non-permitted use thereof, the property shall be valued as if it were used for such non-permitted purposes only;

“indigent” means any household that is legally resident in the country and reside in the Mutale municipality’s jurisdictional area, who due to a number of economic and social factors are unable to pay municipal basic services, and is registered by the Municipality as such;

“industrial” in relation to property, means the use of a property for a branch of trade or manufacturing, production, assembling or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, including any office or other accommodation on the property, the use of which is incidental to the use of the factory;

“municipal property” means any property rateable or non-rateable, owned by the Municipality;

“Municipality” means the Mutale Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipal Property Rates Act” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

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

“Municipal valuer” means the person designated as municipal valuer by the Municipality in terms of section 33 of the Municipal Property Rates Act;

“multiple purposes” in relation to property, means property that cannot be assigned to a single category due to the multiple use of such property in which event the property will be valued based on the apportionment of uses in accordance with the applicable category of the property;

“Owner” in relation to property means the owner as defined in section 1 of the Municipal Property Rates Act;

“Pensioner” means any owner of rateable property who has reached the age of 60 years or more;

“Permitted use” means the limited purposes for which the property may be used in terms of -

(i) a condition of title;

(ii) a provision of the Mutale municipality’s applicable Town Planning or Land Use Scheme as amended from time to time;

(iii) any legislation applicable to any specific property or properties; or

(iv) any alleviation of any such restriction;

“Physically or mentally disabled person” means a person who, owing to physical or mental disability, is unfit to obtain by virtue of any service, employment or profession the means needed to enable him or her to provide for his or her maintenance;

“Property” means -

(i) immovable property registered in the name of a person, including, in the case of sectional title scheme, a sectional title unit registered in the name of a person;

(ii) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;

(iii) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

(iv) public service infrastructure;

“Residential property” means a suite of rooms which form a living unit that is exclusively used for human habitation purposes only, or a multiple number of such units on a property, including old-age homes, retirement villages and life right schemes;

“State-owned properties” means property owned and exclusively used by an organ of state, excluding farm properties used for residential or agricultural purposes or not in use

“Supplementary valuation” means a valuation roll referred to in section 78 of the Municipal Property Rates Act;

“Vacant land” in relation to property, means -

(a) land on which no immovable improvements have been erected; or

(b) land, where the value added by immovable improvements is less than 10% of the value of the land with no immovable improvements on it, applicable to urban and non-urban land; and

“Valuation roll” means the valuation roll as referred to in section 30 of the Municipal Property Rates Act.

2. Categories of properties

(1) Categories of rateable property for purposes of levying differential rates are in terms of section 8(2) of the Municipal Property Rates Act, determined as follows:

- (a) Residential properties;
- (b) Business and commercial properties;
- (c) Industrial properties;
- (d) Municipal property (rateable);
- (e) State-owned properties;
- (f) Public service infrastructure;
- (g) Agricultural;
- (h) Agricultural vacant land;
- (i) Non-permitted use;
- (j) Multiple use properties;
- (k) Vacant land; and
- (l) State Trust land.

3. Exemption of owners of properties

(1) A municipality may in terms of the criteria as set out in its rates policy-

- (a) exempt a specific category of owners of properties, or the owners of a specific category of properties, from payment of a rate levied on their property; or
- (b) grant to a specific category of owners of properties, or the owners of a specific category of properties, a rebate on or a reduction in the rates payable in respect of their properties.

4. Categories of owners of properties

(1) The municipality has determined in its rates policy, the following categories of owners of property:

- (a) Indigents;
- (b) Pensioners, physically and mentally disabled;
- (c) Owners temporarily without income;
- (d) Owners of residential properties;
- (e) Land reform beneficiaries;
- (f) Sporting bodies; and
- (g) Public benefit organizations.

5. Liability for Rates

- (1) The levying of rates on property will be effected in terms of the Municipality's Rates Policy as amended from time to time.
- (2) The Municipality will, as part of each annual operating budget process, determine a rate in the rand to be levied on the market value of the property in every category of properties.
- (3) Rates will be recovered monthly.
- (4) If an amount due for rates on a property is unpaid by the owner of the property, the municipality may recover the amount from the tenant, occupier of the property or, the agent of the owner.
- (5) Where the rates levied on a property are based on a supplementary valuation made in terms of section 78(1) of the Municipal Property Rates Act, 2004 such rate will be payable from the date contemplated in section 78(4) of the Municipal Property Rates Act, 2004.
- (6) Recovery of rates due will be in accordance with the Municipality's Credit Control and Debt Collection policy read together with the Credit Control and Debt Collection by-laws.

6. General Valuation

- (1) The municipality will undertake a general valuation of all rateable properties in its area of jurisdiction and a valuation roll be compiled triennially.
- (2) The municipality will undertake supplementary valuations on an ongoing basis and prepare a supplementary valuation roll once during each financial year.
- (3) The municipality will in accordance with section 79 of the Municipal Property Rates Act, make amendments regularly to the particulars on the valuation roll, only the electronic copy of the valuation roll is updated to incorporate such amendments, except those changes to the roll in circumstances where section 78 of the Municipal Property Rates Act applies, which may only be effected through a supplementary valuation in accordance with the section.

7. Offences

- (1) Any person who contravenes or fails to comply with the provisions of this by-law is guilty of an offence and liable to fine or imprisonment.

8. Short title

This by-law is called Mutale Local Municipality Property Rates by-law and comes into effect on the date of publication in the *provincial gazette*.

LOCAL AUTHORITY NOTICE 41***MUTALE MUNICIPALITY*****MEETINGS AND PROCESSIONS BY-LAW**

The Municipal Manager of Mutale Local Municipality hereby, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes Meetings and Processions by-law for Mutale Local Municipality as approved by the Council, as set out hereunder.

TABLE OF CONTENTS

1. Definitions
2. Procedure for organizing and holding of meetings and processions
3. Application for holding a meeting and processions
4. Procedure of consideration of the application and passing of the decision
5. Appealing the decision on banning to hold the meeting or procession or on changing the date, place and time of its holding
6. Preparation of a meeting and processions
7. Place and time of holding a meeting and processions
8. The procedure of holding meetings and processions
9. Observance of public safety at holding of meetings and processions
10. Prohibitions of weapons at public meetings and processions
11. Termination of meetings and processions
12. Offences
13. Short title

DEFINITIONS

In this By-law any word or expression that has been defined has that meaning, unless the context indicates otherwise.

“Meetings or processions” means a gathering, meeting, street rally, demonstration, picketing and other meeting or procession;

“Gathering” means a joint presence of communities in an earlier determined place in open air or in a building in the fixed time gathered for collective discussion and solution of questions effecting their interests;

“Meeting” means a mass presence of citizens in a certain place in open air gathered for public discussion and expression of their attitude towards actions (inaction) of persons and organizations, events of public and political life, and also for solving the problems effecting their interests;

“Street Rally” means an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest;

“Demonstration” means an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square including the one with the usage of vehicles and other transportation means for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest with the usage of posters, transparencies or other means;

“Municipality” means Mutale Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipal Manager” means a person appointed by the Municipality as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position;

“Municipal Council” or “Council” means a Municipal Council referred to in section 157(1) of the Constitution.

“Other Meeting or procession” means a sport, cultural or other entertaining activity or religious activity held in places specially designed for this purpose in open air or in a building;

“Picketing” means a public expression by a citizen or by a group of citizens of public and political, group or individual and other interests or the protest (without a procession), including by a hunger-strike, on any problems with the usage or without usage of posters, transparencies and other means;

“Substantial harm caused to rights and legal interests of citizens, organizations or state or public interests” means a failure of meeting or procession, temporal termination of activity of organizations or violation of transport traffic, death of people, causing a severe physical injury to one or several victims;

2. PROCEDURE FOR ORGANISING AND HOLDING OF MEETINGS AND PROCESSIONS

- (1) Organisers of a gathering, meetings and processions within the Municipality shall be citizens of the Republic of South Africa permanently residing within the area of jurisdiction of the Municipality who have:
- (a) reached the majority age; and
 - (b) been mentioned in the given number in the application on holding a meeting or procession and who have taken in writing the obligation on its organisation and holding of the meeting or procession.

3. APPLICATION FOR HOLDING A MEETING AND PROCESSION

- (1) Application for holding a meeting or a procession is submitted by the organiser(s) to the Municipal offices.
- (2) The application is submitted in writing not later than 15 days before the proposed date of holding the meeting or procession.
- (3) The term of submitting the application is calculated from the day of its registration at the municipality.
- (4) The following shall be indicated in the application:
 - (a) purpose, kind, place of holding the meeting or procession;
 - (b) date of its holding, time of its beginning and end;
 - (c) routes of movement in case of a procession;
 - (d) estimated number of participants;
 - (e) name, middle and last name of an organizer (organisers), his or her (their) place of residence and work (study);
 - (f) measures connected with medical service (in extreme cases), cleaning the territory after holding the meeting or procession; and
 - (g) date of submitting the application.

4. PROCEDURE OF CONSIDERATION OF THE APPLICATION AND PASSING OF THE DECISION

- (1) The Municipal Manager or any delegated authority is obliged to consider the application and not later than 5 days before the date of holding the meeting to notify in writing the organiser(s) about the decision taken.
- (2) A permission or ban to hold the meeting or procession shall be indicated in the decision and also the motives for banning the meeting or procession.

- (3) The decision of the Municipal Manager or any delegated authority on permitting or banning the meeting or procession is taken with consideration of the date, place, time of its holding, number of participants, weather conditions, payment of expenses connected with protection of public safety, medical services, cleaning of the territory after holding the meeting or procession and other circumstances influencing the securing of public safety upon the agreement with the republican state bodies responsible for securing the public safety.
- (4) The Municipal Manager or any delegated authority at consideration of the application for the purposes of securing the rights and freedoms of citizens, public safety and also of normal functioning of transport and organizations has the right to suggest the change of date, place and time of its holding upon the agreement with the organizer(s).

5. APPEALING THE DECISION ON BANNING TO HOLD THE MEETING AND PROCESSION OR ON CHANGING THE DATE, PLACE AND TIME OF ITS HOLDING

- (1) The decision of the Municipal Manager or any delegated authority on banning to hold the meeting or procession or on changing the date, place and time of its holding can be appealed in writing to the Mayor or Municipal Council.

6. PREPARATION OF A MEETINGS AND PROCESSIONS

- (1) Preparation of a meeting or procession remains the responsibility of the meeting organisers.
- (2) Before the permission to hold the meetings or procession is received, its organiser(s) and also other persons do not have the right to announce in mass media the date, place and time of its holding, prepare and distribute the leaflets, posters and other materials for this purpose.

7. PLACE AND TIME OF HOLDING A MEETING OR PROCESSION

- (1) A meeting or procession can be held at any places suitable for this purpose.
- (2) Permanent places for holding meeting or procession and also places, where their holding is prohibited, can be determined by the Municipality, with announcing about it in mass media.

- (3) Holding of meeting or procession is not allowed in places, the usage of which for such purposes is prohibited by the decisions of the Municipality (e.g. Council Chambers);
- (4) Gatherings, meetings, street rallies, demonstrations and picketing can be held from 8h00 to 18h00 o'clock.

8. THE PROCEDURE OF HOLDING MEETINGS AND PROCESSIONS

- (1) Meetings and processions, and also speeches of their participants are held in certain fixed place in accordance with the purposes mentioned in the application.
- (2) Organizer(s) of the meeting and procession or the person(s) responsible for organization and holding the meetings or processions are obliged:
 - (a) to be constantly present at the meetings or processions held;
 - (b) to provide observance of conditions and order of holding the meetings or processions, safety of citizens, safety of buildings, constructions, vehicles and other property and also of green plants;
 - (c) to carry out all legal requirements of employees of internal affairs bodies and representatives of public, carrying out the duties on securing the public order and to assist them in securing the public order; and
 - (d) in extreme cases of termination of the held meetings or processions, to inform the participants about it.
3. The Municipality shall and can additionally regulate the order of holding the meeting or procession with the consideration of local conditions and requirements of the present legislation.

9. OBSERVANCE OF PUBLIC SAFETY AT HOLDING OF MEETINGS AND PROCESSIONS

- (1) At holding a meeting or procession its participants shall observe the public order and shall fulfill all legal requirements of the organisers of the meeting or procession being held, requirements of the employees of internal affairs bodies and representatives of public fulfilling the duties on protection of public order.

- (2) At the course of the gathering, meeting, street rally, demonstration or picketing it is prohibited to their organisers and participants to:
- (a) impede the traffic of vehicles and pedestrians;
 - (b) create obstacles for uninterrupted functioning traffic signs;
 - (c) set tents or other temporal structures;
 - (d) influence in any form on employees of militia for the purposes to impede their fulfillment of service duties, and also on representatives of public fulfilling the duties on protection of public order;
 - (e) have cold steel, fire, gas or other weapon, explosives and ammunition, their imitations or casts, and also specially produced or equipped articles the usage of which can threaten life and health of people or can cause material damage to citizens and organizations;
 - (f) act in a manner that is inciting public violence,
 - (g) act in a manner that is creating the threat to public safety, life and health of participants of the mentioned meetings or processions or of other persons, or to hide their faces under masks;
 - (h) carry out the sale of alcohol drinks and beer in place of holding such activities and within the radius of 500 meters of adjacent territories.
3. The sale of alcohol drinks and beer in places of holding other meetings and processions and within the radius of 500 meters of adjacent territories is prohibited for the period of holding such meetings or processions also to the organizations and persons not being their organizers and participants except for the sale of alcohol drinks and beer in organizations (restaurants, cafes, etc) having the right to sale them in accordance with the legislations of the Republic of South African for the celebration and ritual activities planned earlier.

10. PROHIBITIONS OF WEAPONS AT PUBLIC MEETINGS AND PROCESSIONS

- (1) Any person, who, while present at any public meeting or on the occasion of any public meeting or procession, has with him any lethal weapon, other than in pursuance of lawful authority shall be guilty of an offence.

11. TERMINATION OF A MEETING AND PROCESSION

(1) A meeting and procession and also preparation to it shall be terminated if:

- (a) there has been no application submitted or the decision on banning to hold the meeting and procession has been taken;
- (b) provisions of any legislations are infringed; or
- (c) there is appearance of the threat to life and health of citizens.

12. NON-INTERFERENCE OF STATE BODIES AND OTHER ORGANIZATIONS AND ALSO OF CITIZENS IN HOLDING MEETINGS AND PROCESSIONS

(1) State bodies, political parties, trade unions and other organizations and also citizens have no right to interfere and impede holding the meetings and processions held within the Municipality and held with observance of the requirements of this by-law and other legislations of the Republic of South Africa.

13. OFFENCES

(1) Any person who contravenes or fails to comply with the provisions of this by-law is guilty of an offence and liable to fine or imprisonment.

14. SHORT TITLE

This by-law is called Mutale Local Municipality meetings and processions by-law and comes into effect on the date of publication in the *provincial gazette*.

