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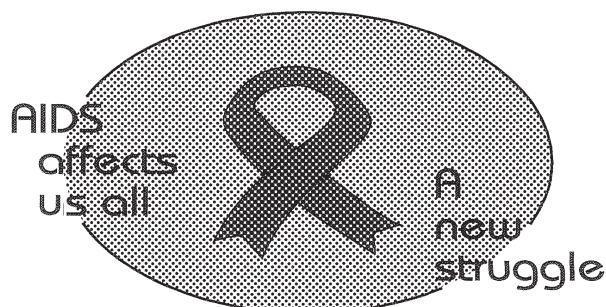
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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 101 OF 2018

BELA – BELA LOCAL MUNICIPALITY



CREDIT CONTROL AND DEBT COLLECTION BY-LAW

2018/2019

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CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

The Municipal Manager of Bela Bela Local Municipality acting in terms 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Credit Control and Debt Collection By-Laws for the Municipality as approved by Council as set out hereunder.

PREAMBLE

WHEREAS section 156(2) of the Constitution of the Republic of South Africa, 1996 requires a municipality to make and administer by-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS section 98 of the Local Government: Municipal Systems Act, 2000 requires a municipality to adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement;

AND WHEREAS section 13 of the Local Government: Municipal Systems Act, 2000 read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 96 of the Municipal Systems Act , 2000 requires a municipality to collect all monies due and payable to the municipality and to provide for the matters incidental thereto;

NOW THEREFORE BE IT ENACTED by the Council of the Bela Bela Local Municipality, as follows:

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1. Definitions

In these by-laws, unless the context indicates otherwise—

"Council" means the council of Municipality;

"Councillor" means a member of the council;

"debt" means any monies owing to the Municipality and includes monies owing in regard to property rates, housing, motor vehicle registration and licensing, leases and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

"debtor" means any person who owes a debt to the Municipality;

"due date" means the final date on which a payment, as shown on the debtor's municipal account or in terms of a contract is due and payable;

"indigent debtor" means a debtor who meets certain criteria of indigency, as determined by the Municipality from time to time;

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"Municipality" means the Bela-Bela municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"service" means "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; and

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

2. Purpose

(1) To give effect to the municipality's credit control and debt collection policy, its implementation and enforcement as outlined in section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. Application for municipal services and agreement

- (1) A customer must make an application in writing through an rendering of service form for services provided by the municipality.
- (2) The municipality, when an application for the provision of municipal services has been made to it, it must inform the applicant of the levels of services that are available and the applicable tariffs or the charges and the then current, and, if it be known, the future tariffs or charges, associated with each level of service.
- (3) An application for services that has been submitted by a customer and approved by the municipality shall constitute a written agreement between the municipality and the customer and such agreement shall take effect on the date referred to or stipulated in the agreement.
- (4) The municipality is only obliged to provide a level of service specifically requested by the applicant and the municipality has resources and provides those services.
- (5) If, at the commencement of these by-laws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall, until the customer enters into an

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agreement, be deemed that—

- a) an agreement as envisaged exists; and
 - b) the level of services rendered to that customer is at a level of services elected by the customer.
- (6) A customer may at any time apply for an alterations to the level of services that was elected in terms of an agreement, and, if the customer does so, the municipality may approve the application if it has the capacity and resources to provide the requested level of service altering the level of services subject to the condition that the customer shall be liable, for the cost of effecting the alteration and, if it be feasible to calculate the cost, to pay it before the alteration commences.
- (7) The municipality must take reasonable steps to ensure that an illiterate person who wishes to complete an application form understand the document as well as the consequences of entering into the agreement, and must also notify the customer of the possibility of registering as an indigent customer.
- (8) If the municipality—
- a) refuses an application for the provision of municipal services or a specific service or level of service;
 - b) is unable to render municipal services, or a specific service or level of service, when the customer wants it; or
 - c) is unable to render municipal services, a specific service, or a specific level of service;

it must, within 7 (seven) days of refusing the application or of becoming aware of its inability, inform the customer about the refusal or its inability, and must furnish the reasons for its refusal or inability and, if it is able to do so, inform the customer of when the municipal services, or a specific service shall be resumed.

4. Deposits

- (1) Upon approval of the application and before the service is made available, the municipality may require the applicant-
- a) to make a deposit for municipal services with the municipality;
 - b) to provide any other form of security; or

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- c) to agree to special conditions regarding payment of the municipal account and monies so deposited with the municipality to serve as security and working capital.
- (2) A municipal council may require the applicant to pay a deposit that has been determined by it and may determine that different deposits be paid by different categories of customers, users of services and debtors as well as for different services and standards of service.
- (3) The municipal council may specify acceptable forms of deposits, which may include:
 - a) cash;
 - b) bank guaranteed cheques; and
 - c) electronic payment methods.
 - d) Staff deductions
- (4) A deposit determined by the Municipal Council must be paid by a customer when applying for a municipal service and no service will be rendered until it has been paid.
- (5) No interest shall be payable by the municipality on any deposit, or part of a deposit, held by it.
- (6) The municipality may annually review a deposit to be paid.
- (7) On termination of the supply of services, the amount of such deposit, as determined by the municipality, less any payments due to the municipality, must be refunded to an account holder.

5. Applicable charges for municipal services

- (1) All applicable charges payable in respect of municipal services, (including but not limited to the payment of connection charges, fixed charges or any additional charges) shall be set by the municipal council from time to time in accordance with—
 - a) its tariff policy;
 - b) the by-laws; andany legislation and regulations made in terms of national or provincial legislation.
- (2) Applicable charges may vary for different categories of customers, users of

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services, types and levels of services, quantities of services, infrastructural requirements and geographic areas.

6. Accounts and payments

- (1) Accounts shall be rendered monthly to customers at the customer's last recorded address.
- (2) Where in the opinion of the municipality it is not reasonably possible or cost effective to render accounts to consumers who consume only subsidised services, the municipal council may, notwithstanding subsection (1), decide not to render accounts to those consumers.
- (3) Failure by the customer to receive or accept an account does not relieve a customer of the obligation to pay any amount that may be due and payable.
- (4) The municipality shall, if it is reasonably possible to do so, issue a duplicate account to a customer on request.
- (5) Accounts must be paid not later than the last date for payment specified on it.
- (6) Accounts for municipal services shall—
 - (a) reflect at least the—
 - i) services rendered;
 - ii) consumption of metered services or the average, shared or estimated consumption;
 - iii) period addressed in the account;
 - iv) applicable charges;
 - v) subsidies;
 - vi) amount due (excluding the value added tax payable)
 - vii) value added tax;
 - viii) adjustment, if any, to metered consumption which has been previously estimated;
 - ix) arrears;
 - x) interest payable on any arrears;
 - xi) final date for payment; and

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- xii) methods, places and approved agents where payment may be made; and

(b) state that—

- i. the customer and the municipality may enter into an agreement at the municipal offices in terms of which the customer will be permitted to pay arrears in instalments;
- ii. if no such agreement is entered into, the municipality will limit or disconnect the services, after sending a final demand notice to the customer;
- iii. legal action may be instituted against any customer for the recovery of any amount more than 60 (sixty) days in arrears
- iv. a claim for arrears may be ceded to a debt collector for collection; and
- v. proof of registration, as an indigent customer, in terms of the municipality's indigent policy, which may form part of the municipality's credit control and debt collection policy, must be handed in at the offices of the municipality before the final date for payment.

7. Arrears

- (1) If a customer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent by registered post to the most recent recorded address of the customer within 7 (seven) working days of the arrears having accrued.
- (2) Failure to deliver or to send a final demand notice within 7 (seven) working days does not relieve a customer from paying arrears.
- (3) If one account is rendered for more than one municipal service provided, all arrears due and payable by a customer constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:
 - (a) towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.

8. Restriction, limitation or disconnection of municipal services

- (1) The Municipality may limit, restrict or disconnect the supply of any services to any premises whenever a debtor:
 - (a) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any arrears;
 - (b) fails to comply with a condition of supply imposed by the municipality;
 - (iii) obstructs the efficient supply of electricity, water, gas or any other municipal services to another customer;

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- (iv) supplies such municipal service to a customer who is not entitled thereto or permits such service to continue;
 - (v) causes a situation which in the opinion of the Municipality is dangerous or a contravention of relevant legislation;
 - (vi) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, (Act 24 of 1936); and
 - (vii) is granted an administration order in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944).
- (2) The Municipality shall reconnect supply of any of the limited, restricted or discontinued services after the amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid or after any other condition or conditions of the municipality's credit control and debt collection policy have been complied with.
- (3) The right of the municipality to restrict water to any premises or customer shall be subject to the provisions of the Water Services Act, 1997(Act 108 of 1997) and related guidelines from national government.
- (4) The right to limit, restrict, disconnect or terminate a service to a property due to non-payment of any municipal account or due to unauthorized usage of municipal services shall be in respect of any municipal service to that property, and shall prevail notwithstanding the fact that payment was intended to have been made in respect of any specific municipal service and shall also prevail notwithstanding the fact that the person who entered into agreement for supply of municipal services with the municipality and the owner are different entities or persons, as the case may be.

9. Termination of agreements for municipal services

- (1) A customer may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written notice to the municipality.
- (2) The municipality may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written notice to a customer where—
- (a) municipal services were not utilised for a consecutive period of 2 (two) months and without an arrangement, to the satisfaction of the municipality, having been made for the continuation of the agreement; or
 - (b) premises by a customer have been vacated by the customer, who owns or has occupied them and no arrangement for the continuation of the agreement has been made with the municipality.
- (3) A customer shall remain liable for all arrears and applicable charges that

are payable for municipal services rendered prior to the termination of an agreement.

10. Claim on rental for outstanding debt

- (1) The Municipality may in terms of section 28 of the Municipal Property Rates Act, 2004 (Act No 6 of 2004), attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

11. Failure to honour agreements

- (1) If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including arrears, any interest, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable without further notice or correspondence and the municipality may—
- a) limit or disconnect the municipal services specified in the final demand notice sent to the customer;
 - b) institute legal action for the recovery of the arrears; and
 - c) hand the customer's account over to a debt collector or an attorney for collection.

12. Interests

- (1) Interest may be levied on arrears.

13. Re-connection of services

- (1) An agreement for payment of the arrears amount in instalments, entered into after municipal services were limited or disconnected, will not result in the services being restored until—
- a) the current account, the first instalment payable in terms of the agreement for payment of the arrears in instalments and all recoverable administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
 - b) a written appeal by the customer, on the ground of having made timeous and full payment of instalments and current amounts due and payable for a period of at least 6 (six) months has been approved by the municipality.
- (2) In addition to any payments referred to in subsection (1), the customer must pay the standard re-connection fee, as determined by the council

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from time to time, prior to the re-connection of municipal services by the municipality.

- (3) Municipal services shall be restored within 7 (seven) working days after a customer has complied with the provisions of subsections (1) and (2).

14. Process for grievances and queries

- (1) An aggrieved person may lodge a grievance or query regarding service charges to the municipality in writing and in the prescribed form.
- (2) The aggrieved person shall clearly state the basis of his or her dissatisfaction and the desired outcome.
- (3) The lodging of a grievance or query shall not relieve the aggrieved person of the responsibility to settle the account, provided that the municipality may, on application in writing and in his or her sole discretion, direct that interim payments may be made pending the finalisation of the grievance or query.
- (4) The Municipality shall respond to such grievance or query in writing within 30 (thirty) days from the date of the lodgement of the grievance or query.

15. Appeals

- (1) A person aggrieved by any decision taken in terms of these by-law and in terms of a power or duty delegated or sub-delegated, may appeal against such decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) by giving written notice of the appeal and the reasons to the Municipal Manager within 21 (twenty one) days of the date of the notification of the decision.
- (2) The municipality shall consider the appeal and confirm, vary or revoke the decision.
- (3) The Municipal Manager must commence with an appeal within 6 (six) weeks and decide the appeal within a reasonable period.

16. Offences and penalties

- (1) Any person who:
- a) fails to give the access required by an official in terms of this by-law;
 - b) obstructs or hinders an official in the exercise of his or her powers or performance of functions or duties under this by-law;

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- c) uses or interferes with measuring tools/meter or consumption of services supplied;
- d) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason as determined by the Municipal Manager causes a meter not to properly register the service used;
- e) fails or refuses to give an official such information as he or she may reasonably require for the purpose of exercising his or her powers or functions under this by-laws or provides the Municipality or such an official with false or misleading information knowing it to be false or misleading;
- f) fails to comply with the terms of a notice served upon him or her in terms of this by-law;
- g) contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and be liable upon conviction to a fine or to imprisonment or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Municipal Manager based on average usage during the previous 6 (six) months or as may be determined by resolution of the Council from time to time.

(2) Every person committing a contravention or breach of the provisions of this by-law shall also be liable to compensate the Municipality for any expenditure incurred and any loss or damage suffered or sustained by the Municipality in consequence of such breach.

17. Repeal of by-laws

18. Short title

This by-law is called Credit control and debt collection by-law and shall come into operation on the date of publication in the *Provincial gazette*.

BELA – BELA LOCAL MUNICIPALITY



DRAFT PROPERTY RATES BY-LAW

2018/2019

MUNICIPAL PROPERTY RATES BY-LAWS

The Municipal Manager of Bela-Bela Local Municipality acting in terms 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Municipal Property Rates By-Law for the Municipality as approved by Council as set out hereunder.

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharge on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the official gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-law to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of the Bela Bela Local Municipality, as follows:

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Chapter 1

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 unless the context indicates otherwise-

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

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

“accommodation” means accommodation in an accommodation establishment, a room, dwelling-house or second dwelling unit, self-catering room, self-catering apartment or free standing building let to transient guests consisting of three or more lettable units;

“Act” – means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004) and any amendment thereof;

“Annually” – means once every financial year;

“Business and commercial property” – means -

- (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- (b) property on which the administration of the business of private or public entities take place;

“Category” –

- (a) in relation to a property, means a category of properties determined in terms of section 8(2) of the Act;
- (b) in relation to the owners of property, means a category of owners determined in terms of section 15(2) of the Act;

“farm property or small holding used for agricultural purpose” – means property that is used primarily used agricultural purpose ,for the cultivation of soils for purposes of planting and gathering in of crops; forestry in the context of the planting or growing of trees in a managed and structured fashion; the rearing of livestock and the propagation and harvesting of fish, but excludes the use of a property for the purpose of eco-tourism; and in the respect of property on which game is reared, trade or hunted, it excludes any portion that is used for commercial or business purposes. In this definition such properties could also be included within the urban edge of a town;

“Farm property or small holding used for business and commercial purpose”

- (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- (b) Property on which the administration of the business of private or public entities take place
- (c) Game Farm where a variety of wild animals are kept or bred often with facilities for visitors to observe or hunt the animals.

“Farm property or small holding mainly used for residential” – predominantly/ main used for residential purpose and, not used for agricultural or commercial purpose.

“Farm property or smallholding that is vacant land” – Farm land without any improvements thereon, which is not used for residential, commercial, agriculture purpose

“financial year” – the period starting from 1 July in a year to 30 June the following year;

“industrial property” – means property used for construction, repair, trade or manufacturing, production, assembly 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, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;

“local community” – in relation to the Municipality –

- (a) means that body of persons comprising –
 - (i) the residents of the Municipality;
 - (ii) the rate payers of the Municipality;
 - (iii) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
 - (vi) visitors and other people residing outside the Municipality, who, because of their presence in the Municipality, make use of services or facilities provided by the Municipality; and
 - (v) includes, more specifically, the poor and other deprived sections of such body of persons;

“local Municipality” – a Municipality that shares municipal executive and legislative authority in its area with a district Municipality within whose area it falls and which is described in section 155(1) of the Constitution as a category B Municipality;

“market value” – in relation to a property, means the value of the property determined in accordance with section 46 of the Act;

“multiple purposes” – in relation to a property, means the use of a property for more than one purpose as intended in section 9 of the Act;

“municipal property” – is property registered or established in the name of the Bela Bela Municipality;

“Municipality” –

- (a) as a corporate entity means a Municipality as described in section 2 of the Municipal Systems Act, 2000 (Act No 32 of 2000); and
- (b) as a geographical area, means a municipal area demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“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 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 in the Act of the term “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

“permitted use” – in respect of a property means the limited purposes for which a property may be used in terms of the following –

- (a) any restrictions imposed by –
 - (i) a condition of title; or
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;

“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 services infrastructure;

“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, if still used dominantly for residential purposes;
- (b) is a unit registered in terms of the Sectional Title Act and is used predominantly for residential purposes;
- (c) is owned by a share-block company and is used predominantly for residential purposes;
- (d) is a residence used for residential purposes situated on a property used for educational purposes;
- (e) is property which is included as residential in a valuation list in terms of section 48(2)(b) of the Act;
- (f) are retirement schemes and life right schemes used predominantly (60% or more) for residential purposes;

“state owned property” – property that is owned by the state and which is for government use.

“vacant property” – means any land without any improvements thereon (empty stands), hotels, hostels, old-age homes and accommodation establishments, irrespective of their zoning or intended use, have been specifically excluded from this property category;

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

Chapter 2

2. Purpose of the by-law

To give effect to the implementation of the municipal rates policy as outlines in section 6 of the Act.

1. Categories of properties

- (1) Categories of rateable property for purposes of levying differential rates are in terms of section 8(2) of the act determined as follows:
- a) residential properties,
 - b) business and commercial properties,
 - c) industrial properties,
 - d) municipal properties(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,
 - l) state land, and
 - m) any other properties within the municipality.

3. Categories of owners

- a) Owners of the properties as outlined in section 3 above are liable for the payment of rates as provided for in section 6(2) (b) of the Act as determined by valuation and supplementary valuation roll of the municipality.
- b) Bela Bela Local Municipality has determined in its rates policy the following categories of owners of properties:
 - a) Those owners who qualify and who are registered as indigent in terms of the adopted indigent policy of the Municipality;
 - b) Owners of properties 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. Any serious adverse social or economic conditions.
 - c) Owners of properties situated in “privately owned townships” serviced by the owner
 - d) Owners of agricultural properties as referred to in clause 9.1.3 of this policy;
 - e) Owners of farm properties that are used for residential purposes;
 - f) Owners of farm properties that are used for industrial, commercial and business purposes;
 - g) Owners of smallholdings used for residential purposes;
 - h) Owners of smallholdings used for industrial, commercial and business purposes; and
 - i) Owners of developed properties not yet sold and transferred.
 - j) Owners of properties used for commercial purposes
 - k) Owners of Public Benefit Organisation

- l) Beneficiaries of Land Reform

4. Exemptions, reductions and rebates

- (1) The following categories of owners are determined for the purposes of granting exemptions, reductions and rebates:
 - a) those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
 - b) owners of property situated within an area affected by- a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - c) 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 temporarily without income;
 - f) owners dependent on pensions or social grant for their livelihood; and
 - g) any other owners as outlined in section 15 to 18 of the Act.

5. Differential Rating

- (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; and
 - (b) The promotion of social and economic development of the municipality.
- (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 by way of reductions and rebates as provided for in the municipality's rates policy.

6. Accounts to be furnished

- (1) The municipality shall furnish each person liable for the payment of rates with a written account, which will specify:
 - (a) the amount due for rates payable,
 - (b) the date on or before which the amount is payable,
 - (c) how the amount was calculated,
 - (d) the market value of the property, and
 - (e) rebates, exemptions, reductions or phasing-in, if applicable.
- (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, necessary enquiries must be made with the municipality.
- (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.

7. Special rating areas

- 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.

- 2) The following matters shall be attended to in consultation with the committee whenever special rating is being considered:
 - a) Proposed boundaries of the special rating area;
 - b) 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;
 - c) Proposed improvements clearly indicating the estimated costs of each individual improvement;
 - d) proposed financing of the improvements or projects;
 - e) Priority of projects if more than one;
 - f) Social economic factors of the relevant community;
 - g) Different categories of property;
 - h) The amount of the proposed special rating;
 - i) details regarding the implementation of the special rating; and
 - j) the additional income that will be generated by means of this special rating.
- 3) In determining the special additional rates the municipality shall differentiate between different categories as referred to in section 3.
- 4) The additional rates levied shall be utilized for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

Chapter 3

8. Liability for Rates

- a. The owner of the property is the person liable for the payment of the rates levy on the property, as determined in section 24 of the Act.
- b. Joint owners of a property shall be jointly and severally liable for the payment of the rates levied on the property.
- c. In the case where an agricultural property is owned by more than one owner in undivided shares and these undivided shares were allowed before the commencement date of the subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970), the municipal Council shall hold any joint owner liable for all the rates levied in respect of the Agricultural property concerned or hold any joint owner only liable for that portion of rates levied on the property that the represents that joint owner's undivided share in property.
- d. Rates levied on property in sectional title schemes ,shall be payable by the owner of each unit ,the municipal council may, depending on the circumstances , have an agreement with the body corporate the collect rates on its behalf as its agents.
- e. Rates levied on property in sectional title schemes, where the body corporate is the owner of any specific sectional title unit, shall be payable by the Body Corporate.
- f. If any amount due for rates is unpaid by the owner of the property ,the municipality may recover the amount from the tenant or occupier of the property, The amount due for rates may also be recovered from the agent of the owner as set out in section 29 of the Act.
- g. In the event of a company ,closed corporation or body corporate in terms of the **Sectional Tittle Act , 1986 (Act No 95 of 1986)**is the owner of the property ,the payment of property rates is the joint responsibility of the directors and members of the legal person.
- h. Property rates will be recovered monthly.

- i. If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him or her in accordance with the provision of the Credit Control, Debt Collection and indigent policy of the municipality.
- j. Arrears rates shall be recovered from tenants, occupiers and agent of the owner, in terms of section 28 and 29 of the Act.
- k. Where the rates 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 current valuation.
- l. In addition, where the error occurred because of the 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 a maximum rate permitted by prevailing legislation.
- m. 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.

Chapter 5

9. 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 for five years as per amended Property Rates Act.
- 2) The municipality will undertake supplementary valuations on an ongoing basis and prepare a 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 is updated to incorporate such amendments, except those changes to the roll in circumstances where section 78 applies, which may only be effected through a supplementary valuation in accordance with this section.

10. Repeal

11. Short title and commencement

This by-law is called Bela Bela Local Municipality Property Rates By-Laws and shall be effective on the date of publication in the *provincial gazette*.



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Private Bag X1609
Bela-Bela, 0480
Tel: (014) 736 8000
Fax: (014) 736 3288
Website: www.belabela.gov.za

BELA-BELA LOCAL MUNICIPALITY

RESOLUTION: LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2018 TO 30 JUNE 2019

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number SMC255/05/2018, to levy the rates on property reflected in the schedule below with effect from 1 July 2018.

Rating Category	2017/2018	2018/19
	R/c	R/c
Accommodation Establishment	0.0150	0.0158
Business & Commercial	0.0142	0.0150
Farms Agricultural (Bona Fide Farmers)	0.0028	0.0029
Farms Agricultural	0.0070	0.0074
Farms Business & Commercial	0.0142	0.0150
Farms Other	0.0150	0.0158
Farms Residential	0.0113	0.0119
Farms Vacant Land	0.0150	0.0158
Industrial	0.0142	0.0150
Municipal Property	0.0142	0.0150
Private Open Space	0.0113	0.0119
Properties Used For Public Benefit Activities	0.0028	0.0029
Public Service Infrastructure (PSI)	0.0028	0.0029
Residential	0.0113	0.0119
Smallholding Agricultural	0.0028	0.0029
Smallholding Business & Commercial	0.0142	0.0150
Smallholding Other	0.0150	0.0158
Smallholding Residential	0.0113	0.0119
Smallholding Vacant Land	0.0150	0.0158
State-Owned Property	0.0142	0.0150
Vacant Business & Commercial/Industrial Land	0.0142	0.0150
Vacant Residential Land	0.0142	0.0150

Full details of the Council resolution, 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 on the municipality's offices, website (www.belabela.gov.za) and all public libraries.

Notice No: 53/18

NAME: MS Makhubela

DESIGNATION: MUNICIPAL MANAGER

BELA – BELA LOCAL MUNICIPALITY



TARIFFS BY-LAW

2018/2019

TARIFF BY-LAW

The Municipal Manager of Bela Bela Local Municipality acting in terms 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Municipal Tariff Law for the Municipality as approved by Council as set out hereunder.

Preamble

WHEREAS section 74 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) requires a municipal council to adopt and implement a tariff policy on the levying of fees for municipal services;

AND WHEREAS the tariff policy must reflect at least the principles set out in section 74(2);

AND WHEREAS the tariff policy may differentiate between different categories of users, debtor, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination;

AND WHEREAS section 75 of the Local Government: Municipal Systems Act, 2000 provides that by-laws must be adopted to give effect to the implementation and enforcement of the tariff policy, to levy and recover fees, charges and tariffs;

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 section 64 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) provides that a municipality must have an effective revenue collection system and ensure that revenue is collected regularly to meet the requirements and practices of sound financial administration;

NOW THEREFORE be it enacted by the municipal council of the Bela Bela Local Municipality as follows:

TABLE OF CONTENTS

1. Definitions
2. Purpose
3. Categories of services
4. Services
5. Tariffs
6. Indigent households
7. General power to levy and recover fees, charges and tariff
8. Repeal
9. Short title

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Chapter 1

1. Definitions

In these by-law, unless the context indicates otherwise

“**municipal council**” or council means Bela-Bela Municipal council;

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

“**tariff**” means fees and charges levied by the municipality in respect of any function or service provided by the municipality to the local community, and includes a surcharge on such tariff but excludes the levying of rates by the Municipality in terms of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004); and

“**the act**” means the Local Government: Municipal Systems Act, of 2000 (Act 32 of 2000).

“**Basic municipal services**” shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

“**Domestic consumer or user**” of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

“**Municipal service**” has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

“**Occupier**” in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

Chapter 2

1. Purpose

- a) The purposes of these by-law is to give effect to the implementation and enforcement of the tariff policy of the municipality as outlined in section 75 of the act.

2. Guiding principles in the determination of tariffs

In the determination of tariffs the council shall be guided by the following principles:

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

3. Application of By-Law

This by-law shall only apply to tariffs applicable to the municipality

Fees, surcharges on fees, charges and tariffs in respect of municipal services such as

- a) Provision of water;
- b) sanitation;
- c) refuse removal;
- d) electricity consumption
- e) municipal service provided through prepaid meters
- f) all other related costs for services rendered in terms of the service
- g) Interest which has accrued or will accrue in respect of payment due and payable to council
- h) Any other services that the municipality supply.

4. Services

- (1) Where a service is provided primarily for the benefit of an individual user and the actual service or consumption can be accurately measured, the cost of providing the service should be recovered from the individual by means of tariffs.
- (2) When a service connection is made, a sundry tariff should be used and when a metered amount of service is consumed, a consumption based tariff should be used.
- (3) Some services, although provided primarily for the benefit of individual users and have important community benefits, particularly where these services cannot be accurately measured, the cost of the service should be recovered by combination of tariffs and rates.
- (4) Where service is provided primarily for the benefit of the community and an individual's benefit cannot be accurately measured, the cost of providing the service should be recovered by means of rates and the rates must comply with the municipal rates policy.

5. Tariffs

- (1) Municipal tariffs shall be determined and adjusted by the council from time to time after having followed all necessary procedures.

6. Indigent households

- (1) The Council shall annually together with its annual budget, review an indigent policy to determine criteria for the determination of indigent households.
- (2) The criteria referred to in subsection (1) shall take into account:
 - a) the total income of consumers of municipal services residing on the property to which municipal services is rendered;

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- (3) The council may include in its indigent policy a sliding scale according to which the quantity of basic municipal services provided free of charge or at a subsidized tariff to a poor household is limited in relation approved indigent household.
- (4) A user shall qualify for the benefits of a poor household with council in terms of its indigent policy only if such user has applied to be registered as a poor household and approved by council.

7. General power to levy and recover fees, charges and tariffs

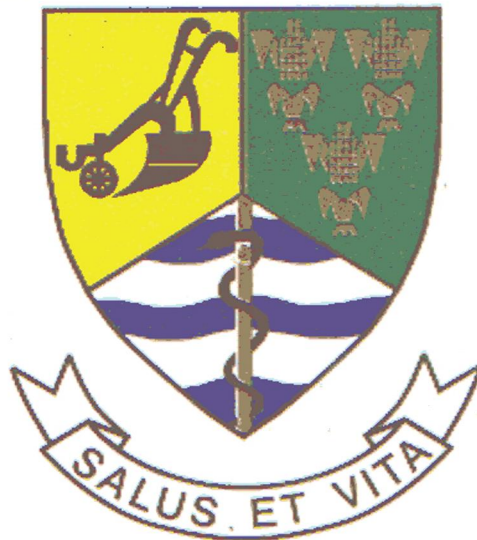
- (1) The municipality has the power to-
 - (a) levy and recovers fees ,charges or tariffs in respect of any function or service of the municipality ;and
 - (b) Recover collection charges and interest on any outstanding amount.
- (2) Fees, charges and tariffs referred to in subsection (1) are levied by resolution passed by the municipal council with a supporting vote of majority of its members.

8. Repeal

9. Short Title and commencement

This by-law is called the Bela Bela Local Municipality Tariff by-law and it shall come into effective from the date of publication in the *Provincial gazette*.

BELA-BELA LOCAL MUNICIPALITY



INDIGENT SUPPORT BY-LAW 2018/2019

DEFINITION

"Actual consumption" means the consumption measured of any consumer within the residential area;

"Applicable charge" means the rate, charge, tariff, flat rate or support determined 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;

"Authorised agent" means:

- (a) Any person authorized by the municipality to perform any act, function or duty in terms of or exercise any power conferred thereto under these by-laws; and/or
- (b) Any person to whom the Municipality has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or
- (c) Any person appointed as a service provider to provide revenue services to consumers on behalf of the Municipality, to the extent authorized in written contract entered thereto with the Municipality;

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

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

"Council" means the – Council of Bela Bela Local Municipality and includes any duly authorised political structure or office bearer as defined in the Local Government: Municipal Finance Management Act 56 of 2003 and/or any duly authorised official of Council and as contemplated in section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"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;

"Dwelling Unit" means in 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;

"Fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

"Household Income" means all sources of income being formal and/ or informal of nature including, but not restricted to, salaries, revenue generated, pensions, fixed deposits, investments, state subsidies and or grants, private financial support/contributions from outside the indigent household

"Indigent" means an indigent household whose total household income is as determined by Council annually during the budget process;

"Indigent Households" shall include all individual residing at the residential premises of the indigent debtor, inclusive of destitute indigent and indigents, by whom and for which application is made, which premises has access to municipal services;

"Indigent Support Policy" means the policy for the provision of indigent subsidies to qualifying indigent debtors in terms of the Council's policy relating to the following:

- [a] Free basic electrify
- [b] Free basic water
- [c] Subsidised sewerage rates and refuses
- [d] Assisted arrear debt recovery programme

As determined by Council annually during the budget process, in line with National norm and guidelines;

"Indigent debtor" means the head of an indigent household, inclusive of destitute indigents, being old age pensioners, the unemployed and households with a total monthly income as determined in the Indigent Support Policy:

- [a] Who applies for the provision of services from the municipality;
- [b] Who makes application for indigent support in terms of these by-laws; and
- [c] Who shall be regarded as the representative of all members of his/her household

"Indigent support" refers to the allocation from the equitable share grant and the municipality's own resources to support/ assist indigent households as determined by the Council;

"Indigent rebate" refers to the amount of revenue that is foregone by the municipality to the indigent households;

"Law" means any law, including the common law;

"Municipality" means the Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"Municipal Manager" means the person appointed by the municipality as the Municipal Manager or Accounting Officer of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998 as amended), 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;

" 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 performing his/ her function as Minister of Water Affairs, a public utility body, a voluntary association or a trust;

"Threshold level" refers to total combined household income that does not exceed the monthly national pensioner grant as stipulated by national treasury or, in the case of two pensioners or person dependant of grants, where the household income does not exceed that stipulated grant amount,

"Prescribed" means, determined by resolution of the municipal Council from time to time;

"Prescribed tariff or charge" means a schedule of prescribed 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 communication of the content of a notice to consumers through public meetings and ward committee meetings;

"Subsidised service" means a municipal service, which is provided for a consumer at an applicable charge that amounts to less than the cost of actually providing the service, and **includes a service provided for a consumer at no cost to the consumer;**

"Systems Act" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);

1. Application for Indigent water supply services

- (1) The Municipality recognizes its responsibilities in terms of the Municipal Systems Act, Act 32 of 2000, of ensuring that poor households have access to at least basic services through
- (a) Tariffs that cover only operating and maintenance; or

-
- (b) Special tariffs or life line tariffs for basic levels of service; or
 - (c) Any other direct or indirect method of subsidization of tariffs for poor households
- (2) Household at the poverty threshold with a gross income totalling to two pensioner grant and below per month qualify to apply for indigent status and will receive basic services subsidies.
- (3) No person will receive an indigent support unless:
- (a) An application has been made to the Municipality on the form prescribed in terms of the Municipality's by-laws relating to Indigent household (person);
 - (b) The application form is accompanied by an affidavit which indicates the applicant's declaration that he/she qualifies to be indigent;
 - (c) In situations where the applicant is employed but still falls below or at the threshold level, their payslip is attached to the application form to substantiate their indigent status;
 - (e) The applicant has signed the application form and will be issued with a receipt with a unique number;
 - (f) The application has been advertised in the daily local newspapers for at least a week and no member of the public has objected to the applicant being given an indigent status;
 - (g) The application for indigent status is renewed annually after the Municipality has approved the application.
- (4) Indigent basic services rendered to a consumer by the municipality

are subject to these by-laws and the conditions contained in the relevant policies and agreements.

(5) An application for indigent services approved by the municipality constitutes an agreement between the municipality and the applicant, and takes effect on the date referred to in the application.

(6) A person approved as an indigent will be responsible to make arrangements with Financial Officer or delegated municipal officials for the repayments of outstanding

Amounts in instances where the applicant's status changed to indigent while he had amounts still owing on his/ her account.

(7) An application form should contain at least the following minimum information -

- (a) A statement by the applicant that he or she is aware of and understands the contents of the form;
- (b) Acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of services consumed above the indigent support provided;
- (c) The name of the proposed consumer, and his or her identity;

(d) The address or stand number of the premises to or on which services are to be rendered

(e) The address to which accounts should be sent

(f) If water is to be supplied, the purpose for which the water is to be used;

(8) The applicant should be informed if The Municipality declines an application for the provision of an indigent service. The Municipality should furnish the applicant with the reasons therefore and, if applicable, any other

information that the Municipality consider necessary to be able to approve an application to provide such a service.

2. PAYMENT

Indigent Tariff and Support

- (a) All prescribed tariffs or charges payable in respect of indigent services rendered by the Municipality in terms of this By-Law, are determined by the Municipality in accordance with:
- (i) The rates and tariff policy of the Municipality;
 - (ii) Any relevant by-laws; and
 - (iii) Any regulations under any national or provincial law.
- (b) The Council will, as part of the budgetary process, determine an indigent support that will be granted to indigent households;
- (c) The amount payable by the indigent household will be determined follows:

Service tariffs	xxxx
Property Rates	xxxx
Less: Indigent Support	(xxx)
Amount payable	xxx

Should the calculation of the amount payable results in a negative figure, only the amount of the indigent support will be granted;

- (d) The Council will determine the indigent support from time to time based on the equitable share received from the National Government;
- (e) Should a person who qualifies for indigent assistance be unable to pay the amount due by him/her, the person's circumstances will be considered and brought before Council before any debt collection action is instituted;

3. ACCOUNTS

Monthly accounts will be rendered to consumers and will indicate the following information:

- (a) Details of the ageing (30, 60, 90 days, etc) of the account;
- (b) Payments made so far;
- (c) Charge for the current month;
- (d) Indigent support granted;
- (e) Total amount outstanding;
- (f) The final due date for payment;

An indigent consumer is only entitled to basic water supply services and will be liable for payment in respect of services used in excess of the quantity of basic services.

4. INDIGENT SUPPORT POLICY

The Council shall adopt an Indigent Policy, which shall embody and provide procedures and guidelines for the subsidisation of basic services and tariff charges to indigent households in its municipal area.

The object of the Indigent Policy shall be to ensure:

- [a] The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council; and
- [b] The provision of procedures and guidelines for the subsidisation of basic service charges to indigent households.

Guiding Principles

The following guiding principles shall be contained in the Indigent Policy:

- [a] Relief will be provided by the Council to registered residential consumers of

services who are declared destitute and/or indigent by the Council, but subject to the condition that such indigent consumers make a financial contribution towards the cost of the services provided by the Council to them on such basis determined by the Council;

[b] The Council shall, wherever possible, ensure that any relief provided in terms of this bylaw

and its policy is constitutional, practical, fair, equitable and justifiable in order to avoid the alienation of any group of households;

[c] Differentiation between residential consumers shall, in accordance with the By-laws, Policies and resolutions of the Council and legislation, be permitted;

[d] Differentiation shall also be permitted in respect of the level of service provided to or to be provided to indigent households;

[e] The application of the indigent support for minimum service levels should not result in the creation of a massive bureaucratic administration that would not be cost effective to implement;

[f] A differentiation shall be made between those households who cannot afford to pay for basic services and those households who refuse to pay for such services;

[g] The payment for services rendered should be affordable for the indigent;

[h] The indigent support policy will apply during each municipal financial year;

[i] Financial support to the indigent will be dependent upon the availability of funds to enable the Council to provide such support;

[j] The Council shall, annually, review and amend the qualification criteria for indigent support provided by it if and when necessary;

[k] The collective or joint gross income of members of indigent households will always be taken into account to determine the level of financial support to be granted to indigent households;

[l] Indigent households must formally apply on the prescribed application form for indigent support and will qualify for such support according to prescribed criteria/principles to be laid down by the Council;

- [m] The household income must be correctly reflected on the application form requesting indigent support;
- [n] The applicant who signs the prescribed application form shall be regarded as the indigent Debtor and a representative of the indigent household;
- [o] after the application form for indigent support has been completed by an indigent debtor it shall be assessed in terms of the policy;
- [p] All approved indigent debtors should be registered on the municipal Indigent database system;
- [q] The onus will be on the approved indigent debtor to inform the Council of any change in his/ her status or personal household circumstances;
- [r] All indigent households should be re-evaluated annually or such period as the Council may determine to assess the provision of continued basic services and indigent support to them;-
- [s] Disciplinary measures decided by the Council should be imposed on indigent debtors who misuse the indigent support policy of the Council and/or provide incorrect information to the Municipality;
- [t] An approved community communications programme, embodying the principles of transparency and fairness, must be implemented in respect of the indigent support policy; and-
- [u] Skills Training and other education related programmes should be supported to develop the indigent to become self - sufficient and thereby reduce the rate of indigence.

Qualification, Acceptance and Registration Criteria

The qualification, acceptance and registration criteria for indigent support and the services qualifying for such support shall be determined by Council Policy as reviewed annually during the budget process.

**5. PROVISION OF INDIGENT SUPPORT
SUBSIDIES**

Indigent Subsidies will be provided by the Council on the following basis:

- [a] Relief will only be provided to those indigent households who apply and qualify thereof;
- [b] The relief must be significant so as to relieve the recipient of an indigent support from the financial hardship of paying fully for services received from the Municipality for a specific period;
- [c] All registered indigents will be granted subsidies on services and property rates levied;
- [d] The indigent will receive a monthly account, which will reflect the amount due and payable;
- [e] The indigent will only be billed on the system;
- [f] The subsidised amount will be reflected against the indigent support vote.
- [g] Subject to annual resubmission by the applicant of the application to Council on the date as determined by Council.

6. INDIGENT STATUS

The Council shall not amend, alter, withdraw, or suspend in terms of these by-laws and its policy the indigent households status without first having forwarded notification thereof to the said indigent household.

7. SPECIAL TARIFF FOR SERVICES

The Council may determine the extent of the support for indigent households, subject to the availability of funds and compliance with prescribed criteria for municipal services and amenities.

8. RESPONSIBILITIES OF MUNICIPAL MANAGER

It shall be the responsibility of the Municipal Manager:

[a] To create, maintain and update a register of all debtors receiving indigent subsidies from the Council in terms of these by-laws;

[b] To reflect the indigent status of debtors in the accounting records of the Municipality;

[c] To advise and keep indigent debtors informed of the approval, amendment, suspension or withdrawal of an application for indigent support in terms of these by-laws and the conditions under which such support will be granted, including the renewal of indigent support applications; [d] To report any instances of misuse of the Council's Indigent Policy to the Council for its attention in terms of these by-laws;

[e] To report at regular intervals as may be required by Council on the progress or otherwise of the implementation of the Council's Indigent Support Programme; and.

[f] To publish a copy of these by-laws, policy and any amendments thereto on the official website of the municipality.

9. BUDGETING FOR INDIGENT SUPPORT

The Council must annually budget for the total indigent support to be granted to indigent debtors in terms of these by-laws. Such amount must, upon approval of the budget of the Council, be reflected against a separate vote in the name of indigent support.

The total value of indigent subsidies for all subsidised services must be reflected against such indigent support vote on a monthly basis.

10. REVIEW AND AMENDMENT OF INDIGENT SUPPORT POLICY

The Council has the discretionary power to amend any clause, stipulation or tariff embodied in its Indigent Support Policy in the interests of all the parties concerned at the annual budgetary review of Council policies in conjunction with the consideration of the annual budget of the Council.

The Indigent Support Policy adopted in terms of these by-laws shall be regarded as a budget-related policy and be reviewed on an annual basis by the Council during the

annual budget review. Any amendment thereto shall be considered and adopted in conjunction with the adoption of the annual budget of the Council.

11.OFFENCES

Any indigent household who-

[a] Obstructs or hinders the Council in the exercise of its powers or performance of functions or duties under these by-laws;

[b] Uses or interferes with Council equipment or consumption of services supplied;

[c] Tampers or breaks any seal on any meter installed, or with the water restrictor system installed or on any equipment belonging to the Council, or for any reason as determined by the Chief Financial Officer causes interference with the service provision and the service used;

[d] Furnishes misleading information knowing it to be false or misleading; [e] Contravenes or fails to comply with a provision of these by-laws;

shall be guilty of an offence and be liable upon conviction to a fine or to imprisonment for a period not exceeding three months or both. Such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Chief Financial Officer based on average usage during the previous six months or as may be determined by resolution of the Council from time to time.

12. NOTICES AND DOCUMENTS

[a] A notice or document issued by the Council in terms of these by-law shall be deemed to be duly issued if signed by an employee duly authorized by the Council.

[b] If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:

[i] Delivering the notice to him/ her personally;

[ii] Delivering the notice at his/ her residence or to a person apparently not less than sixteen years of age and apparently residing or employed there;

[iii] If he/ she has nominated an address for legal purposes, by delivering the notice to such an address; or

[iv] A Registered or certified post addressed to his/ her last known address;

[v] If service cannot be effected in terms of the aforesaid sub-sections, by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land

Authentication of Documents

[a] Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;

[b] Delivery of a copy of the document shall be deemed to be delivery of the original.

13. RESPONSIBILITY OF COMPLIANCE WITH THESE BY-LAWS

The indigent debtor is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to the indigent support granted. The indigent debtor is responsible for compliance with these by-laws and policy in respect of matter relating to the use of any water, electricity, sanitation installation and other services provided by Council.

14. AVAILABILITY OF BY-LAWS

[a] A copy of these by-laws shall be included in the municipalities Municipal Code as required in terms of section 15 of the Municipal Systems Act, No 32 of 2000 and shall be displayed on the official website of the municipality;

[b] A copy of these by-laws shall be available for inspection at the municipal offices at all reasonable times; and

[c] A copy of the by-laws may be obtained against payment of a prescribed fee from the Council.

15. APPEALS AGAINST DECISIONS OF THE COUNCIL

An indigent household, whose application has been declined, may appeal against such decision which appeal procedure shall be laid down within the policy.

16. CONFLICT OF BY-LAWS

If there is any conflict between these by-laws and any other by-law of the Council, the Credit Control and Debt Collection by-law will prevail if applicable failing which these by-laws will prevail. These by-laws must be read in conjunction with the Credit Control and Debt Collection by-law.

17. SHORT TITLE AND COMMENCEMENT

This By-Law is called the Indigent Support By-law of the Bela -Bela Local Municipality and shall come to force and effect upon promulgation in the government gazette.

18. REPEAL OF COUNCIL INDIGENT SUPPORT BY-LAW

The provisions of any by-law or by-laws relating to the provision of indigent support subsidies to qualifying indigent debtors by the administrative unit of the Council are hereby repealed.

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