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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 237

The Council of DIPALESENG Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read together with section 6A (1) of the Business Act, 1991 (Act No. 71 of 1991), made the following By-laws which By-laws shall come into operation on the date of publication of this notice.

DIPALESENG LOCAL MUNICIPALITY

STREET TRADING BY-LAWS

1. DEFINITIONS

- (1) In these By-laws, except as otherwise expressly provided or unless the context otherwise requires-

“**approval**” means approval by the authorized official and “**approve**” has a corresponding meaning;

“**association**” means persons who are self-employed and have organised themselves into a street trader association with a constitution and a code of conduct;

“**authorized official**” means an official of the Council to whom it has delegated a duty, function or power under these By-laws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

“**Council**” means the Council of the DIPALESENG Local Council and includes, in relation to a duty, function or power under these By-laws, a committee or official of the Council to whom it has delegated that duty, function or power;

“**local authority service**” means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the generation, impounding, storage, purification or supply of water, gas or electricity;

“**local authority service works**” means all property or works of whatsoever nature necessary or desirable for or incidental to any local authority service;

“**nuisance**” bears the meaning given to it by the Ordinance, or any amendment thereof;

“**Ordinance**” means the Local Authorities Ordinance, 25 of 1974, or any amendment thereof;

“**prescribed**” means prescribed by the Council by resolution;

“**property**” in relation to a street trader, means any goods, receptacle, vehicle or movable structure used or intended to be used in connection with the carrying on of his business as such;

“**public place**” means a public place as defined in section 1 of the Ordinance, or any amendment thereof;

“**prescribed**” means prescribed by the Council by resolution;

“**public road**” means a public road as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“**roadway**” means a roadway as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“**sell**” includes -

- (a) barter, exchange or hire;
 - (b) display, expose, offer or prepare for sale;
 - (c) store with a view to sell; or
 - (d) provide a service for reward
- and “**sale**” has a corresponding meaning;

“**sidewalk**” means a sidewalk as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“**street trader**” means a person who carries on the business of street trading;

“**street trading**” means the selling of any goods or the supplying or offering to supply any service for reward, as a street vendor, peddler or hawker in a public road or public place but does not include the sale of newspapers only;

“**the Act**” means the Business Act, 1991 (Act No. 71 of 1991), and includes the regulations made thereunder;

“**vehicle**” includes -

- (a) a self-propelled vehicle;
- (b) a trailer;
- (c) a hand-drawn or propelled vehicle; and

“**verge**” means a verge as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

- (2) In these By-laws, unless the context otherwise indicates, any word or expression defined in the Act shall bear the meaning so given to it.
- (3) For the purpose of these By-laws a single act of offering for sale or of selling goods or services in or from a public road or public place constitutes the carrying on of the business of a street trader.
- (4) For the purpose of these By-laws a reference to a person carrying on the business of street trader shall include any employee of any such person.

- (5) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. APPLICATION

No person shall carry on the business of a street trader unless he or she –

- (1) has obtained the written approval of the Council to do so; and
- (2) is a member of a street trader association recognised by the Council.

3. PROHIBITIONS

No person shall carry on the business of a street trader –

- (1) at a place or in an area declared under section 6A(2)(a) of the Act as a place or area in which the carrying on of street trading is prohibited;
- (2) on a verge, contiguous to
 - (a) a building belonging to, or occupied solely by the State or the Council;
 - (b) a church or other place of worship; or
 - (c) a building declared to be a national monument under the National Monument Act, 1969 (Act No. 28 of 1969), or any amendment thereof except to the extent that the carrying on of such business is permitted by a notice or sign erected or displayed by the Council and in compliance therewith;
- (3) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sells goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;
- (4) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (5) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit his property on a sidewalk so as to do so;
- (6) at a place where it causes an obstruction to vehicular traffic;
- (7) at a place where it causes an obstruction in front of -
 - (a) an entrance to or exit from a building;
 - (b) a fire hydrant;
- (8) on a stand or in any area contemplated in section 6A(3)(b) of the Act if he is not in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him;
- (9) in contravention of the terms and conditions of the lease or allocation to him of a stand or area contemplated in sections 6A(3)(b) and (c) of the Act.

4. RESTRICTIONS

- (1) No person carrying on the business of a street trader shall –
 - (a) if such business is carried on any public road or public place
 - (i) sleep overnight at the place of such business; or
 - (ii) erect any permanent structure at the business site for the purpose of providing shelter without prior written approval of the Council;
 - (b) carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public place or any public or private property; or
 - (iii) create a traffic hazard;
 - (c) other than in a refuse receptacle approved or provided by the Council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;
 - (d) obstruct access to a service or to service works of the Council or of the State or any statutory body;
 - (e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
 - (f) obstruct access to a pedestrian arcade or mall;
 - (g) carry on business or take up a position or place his property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purpose of these By-laws;
 - (h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;
 - (i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - (j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins, and other facilities designed for the use of the general public; or
 - (k) obscure any road traffic sign displayed in terms of the Road Traffic Act, 1996 (Act No. 93 of 1996), and regulations made thereunder or any marking, notice or sign displayed or made in terms of these By-laws.
- (2) The Council shall reserve the right to restrict the number of street traders and street trader associations.

5. CLEANLINESS OF PLACE OF BUSINESS AND PROTECTION OF PUBLIC HEALTH

Every street trader shall –

- (1) unless prior written approval exempting him from the provisions of this paragraph has been given by the Council, daily remove from any public road or public place at the end of each trading day or at the conclusion of trading all goods, moveable structures, waste, packaging material, stock and equipment of whatsoever nature which are utilized in connection with such trading;
- (2) carry on this business in such a manner as not to be a danger or threat to public health or public safety;
- (3) at the request of an officer or an employee of the Council move or remove anything so that the place of business may be cleaned;
- (4) keep the area or stand occupied by him for the purpose of his business as well as his property in a clean and sanitary condition and free of litter; or
- (5) if his activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure.

6. TRADING IN PARKS AND GARDENS

No street trader shall carry on business in a garden or park to which the public has the right of access except with the prior written approval of the Council's Municipal Manager or other authorized official and in compliance with any conditions imposed by him when granting such consent.

7. OBJECTS USED FOR DISPLAY OF GOODS

A street trader shall ensure that any structure, container, surface or other object used by him for the preparation, display, storage, or transportation of goods –

- (1) is maintained in a good state of repair and in a clean and sanitary condition; and
- (2) is not so placed or stacked so as to constitute a danger to any person or so as to be likely to injure any person.

8. REMOVAL AND IMPOUNDMENT

- (1) For the purpose of this By-law "goods" includes any receptacle, vehicle or movable structure.
- (2) An officer may remove and impound goods –
 - (a) which he reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of a street trade, and

- (b) which he finds at a place where the carrying on of such business is restricted in terms of section 4(h) or section 5 or prohibited in terms of sections 3(1) to (9) and which in his opinion constitutes an infringement of such provision, whether or not such goods are in the possession or under the control of any person at the time of such removal or impoundment.
- (3) Any officer acting in terms of subsection (2) shall
 - (a) except in the case of goods which have been left or abandoned, issue to the person carrying on the business of street trader a receipt of any goods so removed and impounded; and
 - (b) forthwith deliver any such goods to the authorized official.
- (4) Neither the Council nor a councillor, official, officer or employee of the Council shall be liable for any loss of or damage to any goods removed and impounded in terms of this section.

9. DISPOSAL OF IMPOUNDED GOODS

- (1) Any perishable goods removed and impounded in terms of section 8(2) may at any time after the impoundment thereof be sold or destroyed by the Council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, shall, upon presentation of the relevant receipt issued in terms of section 8(3)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the Council.
- (2) The owner of any goods (other than perishable goods), dealt with by the Council in terms of subsection (1), impounded in terms of section 8(2) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the relevant receipt issued in terms of section 8(3)(a), failing which such goods may be sold by the Council and in the event of sale of such goods the provisions of subsection (1) relating to the proceeds of a sale shall apply.
- (3) If the owner of any goods impounded in terms of section 8(2) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and proceeds of any sale of such goods less any such expenses and the cost of such sale shall be paid to such owner.
- (4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, the owner of such goods shall remain liable for so much of such expenses as is not defrayed by the proceeds of the sale of such goods.

10. GENERAL OFFENCES AND PENALTIES

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of these By-laws;
 - (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purpose of these By-laws;
 - (c) contravenes or fails to comply with any approval or condition granted or imposed in terms of these By-laws;
 - (d) for the purpose of these By-laws make a false statement knowing it to be false in a material respect or deliberately furnishes false or misleading information to an authorized official or officer; or
 - (e) threatens, resists, interferes with or obstructs an authorized official, officer or employee of the Council in the performance of his powers, duties or functions under these By-laws, shall be guilty of an offence and on conviction be liable to a fine of R500.00 (Five Hundred Rand) or imprisonment for a period not exceeding 3 (three) months.
- (2) When an employee of a street trader performs any act or is guilty of any omission which constitutes an offence under these By-laws the employer shall be deemed to have performed the act or to be guilty of the omission himself and he shall be liable on conviction to the penalties mentioned in subsection (1) unless he can prove that –
 - (a) in performing the act or being guilty of the omission the employee was acting without his knowledge or permission;
 - (b) all reasonable steps were taken by him to prevent the act or omission; and
 - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (3) The fact that an employer issued instructions forbidding any act or omission referred to in subsection (2) shall not of itself be accepted as sufficient proof that he took all steps referred to in paragraph (b) of that subsection.
- (4) When an employer is by virtue of the provisions of subsection (2) liable for anything done or omitted by his employee, then that employee shall also be liable to prosecution for the offence.

11. PRESUMPTIONS

In any prosecution of a street trader for a contravention of these By-laws, the accused shall be deemed to know the provisions of these By-laws and to know that the offence with which he is charged is a contravention thereof.

12. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

13. REPEAL

The By-laws relating to Street Trading for the **DIPALESENG** Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

LOCAL AUTHORITY NOTICE 238**DIPALESENG LOCAL MUNICIPALITY****PROPERTY RATES BY-LAW**

The Municipal Manager of Dipaleseng Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the Dipaleseng Local Municipality, as approved by its Council as set out hereunder.

PURPOSE OF BY-LAW

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

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1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

- 1.1 "Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 "Agent", in relation to the owner of a property, means a person appointed by the owner of the property-
 - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 "Agricultural purpose" in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 "Annually" means once every financial year;
- 1.5 "Category"
 - (a) in relation to property, means a category of properties determined in terms of Section 7 of this policy;
 - and
 - (b) in relation to owners of properties, means a category of owners determined in terms of Section 8 of this policy.

1.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.

1.7 **“Definitions, words and expressions”** as used in the Act are applicable to this policy document where ever it is used;

1.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
 (a) acquired the property through -
 (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
 (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
 (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
 (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;

1.9 **“Land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);

1.10 **“Municipality”** means the Local Municipality of Dipaleseng;

1.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –

- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;

1.12 **“Owner”-**

- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”,

provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-

- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
- (iv) a judicial manager, in the case of a property in the estate of a person under
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

1.14 **“Property”** means -

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

- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

1.15 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

1.16 **“Residential property”** means improved property that:-

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

1.17 **“Rural communal settlements”** means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

1.18 **“state trust land”** means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

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

2. Principles

2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.

2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.

- 2.3 Some categories of property and categories of owners will be granted relief from rates.
- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- 2.6 The municipality's rates policy will be based on the following principles:
- (a) Equity
The municipality will treat all ratepayers with similar properties the same.
- (b) Affordability
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.
- (c) Sustainability
Rating of property will be implemented in a way that:
- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
 - ii. Supports local, social and economic development; and
 - iii. Secures the economic sustainability of every category of ratepayer.
- (d) Cost efficiency
Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. Application of By-law

- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
- (a) Trading services
- i. Water
 - ii. Electricity
- (b) Economic services
- i. Refuse removal.
 - ii. Sewerage disposal.
- (c) Community and subsidised services
These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b).
- 4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

- 5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- 5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.

5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the dominant use of the property regardless the formal zoning of the property;

5.4 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7 of this by-law.

6. Categories of owners

6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Pensioners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

7.1 Rates on properties used for multiple purposes will be levied by the "dominant use of the property".

8. Differential rating

8.1 Criteria for differential rating on different categories of properties will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and

8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

9.1 Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.

9.2 Conditions determined by the rates policy will be applied accordingly.

9.3 Exemptions will automatically apply where no applications are required.

9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.

9.5 Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.

9.6 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

9.7 The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

10. Reductions

10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

10.1.1 Partial or total destruction of a property.

10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:-

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

10.2.3 A maximum reduction determined annually by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.

10.2.4 An *ad-hoc* reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1 Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2 Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

11.3 Conditions determined by the rates policy will be applied accordingly.

11.4 Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.

11.5 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

11.6 Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

11.7 The extent of the rebate in terms of 11.1, 11.2 and 11.6 will annually be determined by the municipality and it must be included in the annual budget.

12. Payment of rates

12.1 Council may levy assessment rates: -

(a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or

(b) Annually, as agreed with the owner of the property.

12.2 The municipality shall determine the due dates for payments in monthly installments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.

12.3 Rates payable on an annual basis will be subject to a discount of 5% if paid in full on or before 30 September of each year.

12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.

12.5 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.

12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control en debt collection by-law.

12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

- (i) the amount due for rates payable,
- (ii) the date on or before which the amount is payable,
- (iii) how the amount was calculated,
- (iv) the market value of the property, and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

14. Phasing in of rates

14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.

14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:

- First year : 75% of the relevant rate;
- Second year : 50% of the relevant rate; and
- Third year : 25% of the relevant rate.

14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below:-

- First year : 100% of the relevant rate;
- Second year : 75% of the relevant rate;
- Third year : 50% of the relevant rate; and
- Fourth year : 25% of the relevant rate.

15. Special rating areas

15.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.

15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:

15.2.1 Proposed boundaries of the special rating area;

15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;

15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;

15.2.4 Proposed financing of the improvements or projects;

15.2.5 Priority of projects if more than one;

15.2.6 Social economic factors of the relevant community;

15.2.7 Different categories of property;

15.2.8 The amount of the proposed special rating;

15.2.9 Details regarding the implementation of the special rating;

15.2.10 The additional income that will be generated by means of this special rating.

15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.

15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.

15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

15.7 The municipality shall establish separate accounting and other record-keeping systems for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. Frequency of valuation

16.1 The municipality shall prepare a new valuation roll every 4 (four) years.

16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.

16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

17. Community participation

17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

17.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.

17.1.2 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).

17.1.3 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.

17.1.4 Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.

17.1.5 Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.

17.1.6 The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.

17.1.7 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

18 Register of properties

18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.

18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:

- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
- ii. Rebate or reduction in terms of section 15 of the Act ,
- iii. Phasing-in of rates in terms of section 21 of the Act, and
- iv. Exclusions as referred to in section 17 of the Act.

18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

18.5 The municipality will update Part A of the register during the supplementary valuation process.

18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

19 Regular review processes

19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.

20. Short title

This by-law is the rates by-law of the Dipaleseng Local Municipality.

21. Commencement

This by-law comes into force and effect on 1 July 2009.

LOCAL AUTHORITY NOTICE 239

The Council of **DIPALESANG** Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

DIPALESANG . LOCAL MUNICIPALITY**BY-LAWS RELATING TO FIRE BRIGADE
SERVICES****INDEX*****Section***

1. Definitions
2. Organisation of service
3. Duty to assist
4. Procedure on the outbreak of fire
5. Closing of streets
6. Obstruction and damage
7. Wearing of uniform and insignia
8. Combustible material
9. Safety of premises and buildings
10. Exits
11. Gas-filled devices
12. Making of fires
13. Fires in chimneys, flues and duets
14. Attendance of firemen
15. Removal of liquid or other substances
16. Payment for attendance and service
17. Exemption from payment of charges
18. False information
19. Telephones, fire alarms and other apparatus
20. Offences and penalties
21. Repeal
22. Application

1. DEFINITIONS

(1) In these By-laws, unless the context otherwise indicates –

“approved” means approved by the Chief Fire Officer;

“Chief Fire Officer” means the person appointed by the Council in terms of section 3(1) of the Ordinance read with section 20 of that Ordinance and includes any member of the service representing the Chief Fire Officer in the administration of these By-laws and any official representing the Chief Fire Officer and in control of any section, station, substation, fire fighting operation or other emergency operation, situation or inspection, as the case may be;

“Council” means the DIPALESENG ... Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws;

“emergency situation” means a situation or event which constitutes or may constitute a serious danger to any person or property;

“occupier” means any person in actual occupation or control of any land, premises, or building, or any portion thereof without regard to the title under which he occupies or controls such land, premises, building, or portion thereof;

“Ordinance” means the Fire Brigade Services Ordinance, 1977, (Ordinance 18 of 1977);

“owner” in relation to land and premises, means the registered owner of the land or premises and includes also any person receiving the rent or profits of such land or premises from any tenant or occupier thereof, whether on his own account or as the agent for any person entitled thereto or interested therein, and in relation to a sectional title scheme, also the body corporate established in terms of the Sectional Titles Act, 1971 (Act 66 of 1971), and in relation to any vehicle it bears its ordinary meaning, and in the case of a deceased or insolvent estate, it shall also include the executor or trustee respectively;

“service” means a fire brigade service established in terms of section 2 of the Ordinance or deemed to have been established in terms of that section read with section 20 of the Ordinance.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. ORGANISATION OF SERVICE

- (1) The Chief Fire Officer may exercise control over any fire fighting organisation and any fire appliance which is at the scene of a fire whether owned by the Council or by any other person, and he shall be entitled to make such use of any fireman, volunteer and any fire appliance and other apparatus as he thinks fit.
- (2) The service may be divided into such sections as the Council may determine and each section shall be under the control of an official appointed by the Council or by the person appointed in terms of section 3(1) of the Ordinance if such power is delegated to him.

3. DUTY TO ASSIST

Any member of a fire brigade service or fire service organisation whether it is controlled by the Council or not, shall when called upon to do so by the Chief Fire Officer, render all assistance in his power in connection with the combating or containing of a fire or any other emergency situation.

4. PROCEDURE ON THE OUTBREAK OF FIRE

- (1) Where the service has been notified of or there is reason to believe that an outbreak of fire or other situation has occurred where the services of the service are required, the Chief Fire Officer shall, together with such personnel and appliances as he thinks necessary, forthwith proceed to the place where the fire or other situation is taking place or where he has reason to believe that it is taking place.
- (2) The Chief Fire Officer may assume command of, or interfere with, or put a stop to any existing situation or any operation being conducted in respect of a fire by any person not employed in the service, including the owner of the premises and his employee or agent and no person shall fail to comply with any order or direction given by the Chief Fire Officer in pursuance of this subsection.

5. CLOSING OF STREETS

- (1) The Chief Fire Officer or any traffic officer or any member of a police force may close off any street, passage or place for as long as he deems necessary for the effective fighting of a fire or dealing with any emergency situation.
- (2) Any person ordered to leave an area closed off in terms of subsection (1), shall forthwith obey such order.

6. OBSTRUCTION AND DAMAGE

- (1) No person shall interfere with, or hinder any official of the service, or any traffic officer or member of a police force or other person acting under the orders of such official, officer, or member in the execution of his duties under these By-laws or the Ordinance.
- (2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose or any appliance or apparatus of the service.

7. WEARING OF UNIFORM AND INSIGNIA

- (1) The Chief Fire Officer and every member of the service shall wear the uniform, rank markings and insignia prescribed by the Ordinance.
- (2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he is such a member, or in any other manner represent himself to be a member of the service.

8. COMBUSTIBLE MATERIAL

- (1) Where the Chief Fire Officer is of the opinion that any person -
 - (a) stores or causes or permits to be stored, whether inside or outside any building any timber, packing cases, forage, straw or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to any building; or
 - (b) in occupation or control of any premises permits any trees, bushes, weeds, grass or other vegetation to grow on such premises, or any rubbish to accumulate thereon in such a manner or in such quantities as to create a danger of fire to any building or any premises;

the Chief Fire Officer may by notice in writing require such person or the owner or occupier or the person in charge of the premises to remove the said combustible material or grass, weeds, trees, other vegetation or rubbish, or to take such other reasonable steps to remove the danger of fire as he may prescribe in such notice by a specified date.

- (2) Where there has been no compliance with the requirements of the notice the Chief Fire Officer may take such steps as he deems necessary to remove such danger and the cost thereof shall be paid to the Council by the person to whom the notice was directed.

9. SAFETY OF PREMISES AND BUILDINGS

- (1) The Chief Fire Officer may, whenever he deems it necessary and at any time, which in his opinion is reasonable in the circumstances -
 - (a) enter any land, premises or building and inspect -
 - (i) such land, premises or building for the purpose of ascertaining whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of fire, or the creation of any emergency situation, or jeopardise or obstruct the escape of persons to a place of safety;
 - (ii) any fire-alarm, sprinkler system or other fire-fighting or fire-detecting appliance;
 - (iii) any manufacturing process involving the danger of fire or explosion;

- (iv) the method of storing of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substance; and
 - (v) any installation making use of the substances referred to in subparagraph (iv);
- (b) give such directions as he may deem necessary for lowering the risk of fire or for the protection of life and property.
- (2) Where the Chief Fire Officer finds on any premises –
- (a) any flammable, combustible or explosive matter is so stored or used as to increase the risk of fire or the danger to life or property;
 - (b) any situation, or practise existing, which in his opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to a place of safety; or
 - (c) any defective, inferior or an insufficient number of fire appliances;
- he shall subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to forthwith take such steps as he may deem expedient for the elimination of the danger.
- (3) Should the Chief Fire Officer find in any building or on any premises -
- (a) any obstruction on or in any fire-escape, staircase, passage, doorway or window; or
 - (b) a fire-escape or means of escape which, in his opinion would, in the event of fire be inadequate for the escape to a place of safety of the number of persons likely to be in such building or premises at any time; or
 - (c) any other object or condition of a structural nature or otherwise, which, in his opinion, may increase the risk of fire or the danger to life or property; or
 - (d) that a fire-alarm or other communication system is required;
- the Chief Fire Officer shall notify the owner or occupier of such building in writing of his findings, and require of him to take such steps at such owner or occupier's own cost to rectify the irregularity within such time as is stated in such notice.
- (4) Where the owner or occupier fails or refuses to comply within a reasonable time with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the Council may take such steps as are, in the opinion of the Chief Fire Officer, necessary to remove such risk or danger and the Council may recover from such owner or occupier any expenditure incurred thereby.

10. EXITS

Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exist signs: Provided that

such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

11. GAS-FILLED DEVICES

- (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the Chief Fire Officer, who may impose such conditions as he may require having regard to all the circumstances of the case: Provided that such permission shall only be granted after the person concerned has furnished the Council with an indemnity in the form set out in the appropriate Schedule thereto.
- (2) No person shall keep, store, use or display or permit to be kept, used, stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.
- (3) Nothing in this section contained shall be so construed as to prevent the use of balloons filled with hydrogen for meteorological or other *bona fide* scientific or educational purposes.

12. MAKING OF FIRES

- (1) No person shall make a fire, or cause, or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.
- (2) Subject to the provisions of any other law, no person shall, without the written permission of the Chief Fire Officer, burn any rubbish, wood, straw or other material in the open air or cause or permit it to be done, except for the purpose of preparing food.
- (3) Any permission granted in terms of subsection (2) shall be subject to such conditions as are imposed by the Chief Fire Officer.

13. FIRES IN CHIMNEYS, FLUES AND DUCTS

No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.

14. ATTENDANCE OF FIREMAN

- (1) Where in the opinion of the Chief Fire Officer, the presence of a fireman is necessary on the grounds of safety, he may provide one or more firemen to be in attendance at any premises during the whole or part of any entertainment, recreation, meeting or other event.
- (2) The person in control of such entertainment, recreation, meeting or other event shall pay to the Council the charges as determined by Council.

15. REMOVAL OF LIQUID OR OTHER SUBSTANCES

The Chief Fire Officer may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substance, from such premises, subject to payment of the charges as determined by Council.

16. PAYMENT FOR ATTENDANCE AND SERVICE

- (1) Subject to the provisions of section 17, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the Council the charges determined by the Chief Fire Officer to be due in accordance with the charges set out in the tariff of charges as approved by Council for such attendance or service, including the use and supply of water, chemicals, equipment and other means.
- (2)
 - (a) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may assess the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than ninety percent (90%) lower than the aggregate of the charges which would have been payable in terms of subsection (7): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to –
 - (i) the fact that the amount so assessed shall be commensurate with the service rendered;
 - (ii) the manner and place of origin of the fire; and
 - (iii) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.
 - (b) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is dissatisfied with such assessment, he may lodge an appeal with the Premier in the manner provided for in section (1) of the Ordinance.
 - (c) An appeal in terms of paragraph (b) shall be lodged by forwarding within fourteen (14) days after receipt of an account for the assessed charges a notice of appeal, by registered post to the Director of Local Government, and by forwarding by registered post a copy of such notice to the Chief Fire Officer, who shall forward his comments thereon to the said Director within fourteen (14) days of the receipt of such copy.

17. EXEMPTION FROM PAYMENT OF CHARGES

- (1) Notwithstanding the provisions of section 16, no charges shall be payable where –
 - (a) a false alarm has been given in good faith;
 - (b) the services were required as a result of civil commotion, riot or natural disaster;
 - (c) the services were rendered in the interest of public safety;

- (d) the Chief Fire Officer is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
- (e) the owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Officer that such vehicle was stolen and that it had not been recovered by him at the time when the services of the service were rendered in respect thereof;
- (f) any person, including the State, has entered into an agreement with the Council in terms of section 14 of the Ordinance whereby the services of the service are made available to such person against payment as determined in such agreement.

18. FALSE INFORMATION

No person shall wilfully give to any member of the service any notice or furnish any information relating to an outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, notwithstanding the provisions of section 17 be liable to pay the turning out charge prescribed by Council.

19. TELEPHONES, FIRE-ALARMS AND OTHER APPARATUS

- (1) The Council may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

20. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with any provision of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding Five Hundred Rand (R500.00) or, in default of payment, to imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment, and in the case of a continuing offence, to a fine not exceeding Fifty Rand (R50.00) for each day on which such offence continues, subject to a maximum fine of Five Hundred Rand (R500.00).

21. REPEAL

The By-laws relating to Fire Brigade Services for the DIPALESENG Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

22. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

SCHEDULE I

FORM OF INDEMNITY IN TERMS OF SECTION 11(1) OF THE FIRE BRIGADE SERVICES BY-LAWS

INDEMNITY

In consideration of the permission to be granted to me by the Chief Fire Officer of on (date) to inflate certain balloons, toys or other devices as specified therein I, the undersigned hereby indemnify and safeguard against loss the Council and all its employees against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against it or be incurred or become payable by it arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of such inflation, or by the use or mere possession by any person of any of the said toys, balloons or devices.

Signed at on this day of 20.....

.....
Applicant

Witnesses:

1.

2.