



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

**Vol. 21**

**NELSPRUIT, 20 NOVEMBER 2014**

**No. 2389**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICE</b>			
246	Constitution of the Republic of South Africa (108/1996), Local Government: Property Rates Act (6/2004) and Local Government: Municipal Systems Act (32/2000): Thaba Chweu Municipality: Customer Care and Revenue Management By-laws .....	3	2389

---

**LOCAL AUTHORITY NOTICE**

---

LOCAL AUTHORITY NOTICE 246

**CUSTOMER CARE AND REVENUE  
BY- LAWS**



**THABA CHWEU LOCAL MUNICIPALITY**



## THABA CHWEU MUNICIPALITY

### CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAWS

Under Chapter 7, section 156 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), section 6 of the Local Government: Property Rates Act, 2004 (Act No. 6 of 2004), and section 75 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the Thaba Chweu Local Municipality, enact as follows.

#### TABLE OF CONTENTS

1. Definitions

#### CHAPTER 1

#### CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION

2. Customer care principles, and objectives
3. Municipal Manager responsible office
4. Differentiation between customer and exemption

#### CHAPTER 2

#### SUPPLY ON MUNICIPAL SERVICES

##### *Part 1*

##### *Application for supply and service agreements, deposits billing and payment, and termination of service agreements*

5. Application for supply of municipal services and service agreements
6. Deposits
7. Billing and payment
8. Termination of services agreement

*Part 2**Non-payment of municipal accounts*

- 9. Arrangements for payments
- 10. Interested on overdue municipal accounts
- 11. Debt collection

*Part 3**Metering equipment and metering of services*

- 12. General provisions
- 13. Metering equipment and measuring of consumption
- 14. Resale of water or electricity

*Part 4**Indigence relief measures*

- 15. Requirements for indigence relief
- 16. Credit given

CHAPTER 3  
TARIFFS*Part 1**General principles, calculation of tariffs for major services*

- 17. General principles
- 18. Calculation of tariffs for major services

*Part 2**Structure of tariffs for major services, minor tariffs*

- 19. Structure of tariffs
- 20. Electricity
- 21. Water
- 22. Refuse removal
- 23. Sewerage
- 24. Minor tariffs

CHAPTER 4  
RATES

- 25. Imposition of rates
- 26. Rebates on rates
- 27. Adjustment of rates
- 28. Frequency of valuations

CHAPTER 5  
ENFORCEMENT

- 29. Council's powers to restrict or disconnect supply of services
- 30. Tampering unauthorised connections and reconnections, and improper use
- 31. Clearance certificate

- 32. Tenders and grants-in-aid
- 33. Power of Council to recover costs
- 34. *Prima facie* evidence
- 35. Abandonment of bad debts, and full and final settlement of account
- 36. Power of entry and inspection
- 37. Authentication and service of orders, notices and other documents

CHAPTER 6  
MISCELLANEOUS PROVISIONS

- 38. Rights of appeal
- 39. Offences and penalties
- 40. Saving provisions and repeal
- 41. Short title and commencement

**1. Definitions.**—For the purposes of these By-laws, unless the context otherwise indicates—

**“account holder”** means any person who receive a municipal account, which includes a user of pre-paid electricity or water;

**“annual budget”** means the budget approved by the municipal council for any particular financial year, and includes any adjustments to such budget;

**“applicant”** means a person who applies for the supply of municipal services;

**“billing”** means invoicing on a municipal account to an account holder of an amount or amounts payable for rates, metered services, other municipal charges, levies, fees, fines, taxes or any other amount or amounts payable arising from any other liability or obligation;

**“consumer”** means the occupier of any premises to which Council has agreed to supply or is actually supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with Council for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises, and “domestic consumer” or “domestic user” of municipal services means the person or household to which municipal services are rendered in respect of residential property;

**“consumer price index”** means the consumer price index (CPIX) as determined and gazetted from time to time by the South Bureau of Statistics; levies, fees, interest, taxes or any other amounts payable arising from any other liability or obligation;

**“municipal manager”** means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“municipal property”** means a property owned by a municipality;

**“municipal purposes”** in relation to a property, means the use of a property for municipal purposes;

**“municipal services”** means those services for which payment is required by Council;

**“municipal tariff”** means a tariff for services which the municipality sets for the provision of a service to the local community, such as a tariff set for major services or a minor tariff, and includes a surcharge on such service;

**"occupier"** means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes—

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- (e) the owner of those premises;

**"officer"** means an employee of Council or any other person who is specifically authorised thereto by Council to perform any act, function or duty in terms of, or exercise any power under these By-laws;

**"organ of state"** means an organ of state as defined in section 239 of the Constitution;

**"owner"** means—

- (a) a person in whom the legal title to a premises is vested;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in the case where Council is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to—
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to—

(i)

a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), Trust *inter vivos*, Trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporation's Act, 1984 (Act No. 69 of 1984), a voluntary association;

(ii)

any Department of State;

(iii)

any Council or Board established in terms of any legislation applicable to the Republic of South Africa; and

(iv)

any Embassy or other foreign entity; and

(v)

a lessee of municipal property who is deemed to be the owner for the purposes of rendering a municipal account;

**"owner"** in relation to—

- (a) 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) a right referred to in paragraph (b) of the definition of "property" means a person in whose name the right is registered;
- (c) 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; and
- (d) public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which own or controls that public service infrastructure as envisaged in the definition of "publicly controlled", however, the municipality may, for the purposes of the Property Rates Act, 2004 (Act No. 6 of 2004), regard as the owner of a property—

(i)

in the case of a property in a trust, but excluding state trust land, a trustee;

(ii)

in the case of a property in a deceased estate, an executor or administrator;

(iii)

in the case of a property in an insolvent estate or in liquidation, a trustee or liquidator;

(iv)

in the case of a property in the estate of a person under judicial management, a judicial manager;

(v)

in the case of a property in the estate of a person under curatorship, a curator;

(vi)

in the case of a property that is subject to a usufruct or other personal servitude, a person in whose name a usufruct or other personal servitude is registered;

(vii)

in the case of a property sold by the municipality and is leased by it, lessee; and

(viii)



in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer, a buyer;

**"permitted use"** in relation to a property, means the limited purposes of which the property may be used in terms of any restrictions imposed by a condition of title, a provision of the municipality's town planning or land use scheme, or any legislation applicable to any specific property or properties, or any alleviation of any such restrictions;

**"person"** includes a natural individual person, legal person and an organ of state;

**"premises"** means any piece of land, the external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of Land Survey; Act of 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry, Act of 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 93 of 1986), which is situated within the area of jurisdiction of Council;
- (c) and includes any other land and any building or structure above or below the surface of any land;

**"property"** means—

- (a) immovable property registered in the name of a person, including in the case of sectional title scheme a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person granted to a person in terms of legislation, such as "Land reform beneficiary"; and
- (d) public service infrastructure;

**"publicly controlled"** means owned by or otherwise under the control of an organ of state, including a public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999), a municipality entity;

**"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 servicing the public;
- (c) power stations, power sub-stations 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 fuel forming part of the scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges and lines forming part of a communication system serving the public;
- (g) runways or aprons at national or provincial airports;

- (h) breakwaters, seawalls, 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 by as law; and
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraph (a) to (i);

**"rates"** means a municipal rate on property as envisaged in section 229 (1) (a) of the Constitution;

**"rateable property"** means property on which the municipality may in terms of section 2 of the Property Rates Act, 2004, levy a rate, but excludes property fully excluded from the levying of rates in terms of section 17 of that Act, but includes any rights registered against such property, with the exception of a mortgage bond;

**"ratepayer"** means a person who is liable to the municipality for the payment of rates on property in the municipality, any other tax, duty or levy imposed by the municipality, or fees for services provided either by the municipality or in terms of a service delivery agreement, or a combination of the above;

**"rebate"** in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Property Rates Act, 2004 on the amount of the rate payable on the property;

**"residential property"** means a property included in the valuation roll as residential in terms of section 48 (2) (b) of the Property Rates Act, 2004;

**"revenue"** means all monies due to Council and to which Council has the right to exact and to enforce payment of, irrespective of the reason for or the origin of its factuality;

**"sectional title scheme"** means a scheme a defined in section 1 of the Sectional Titles Act, 1986 (Act No. 95 or 1986);

**"tampering"** mean any other unauthorised interference with Council's supply, seals and metering equipment and **"tamper"** has a corresponding meaning;

**"target"** means realistic targets which may be set by Council from time to time; and

**"tariffs for major services"** means tariffs set for the supply and consumption or usage of major services;

**"unreliable customer"** includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payment due to Council or who tampers or interferes with metering equipment, seals or the supply of municipal services.

#### CHAPTER 1

#### CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION

### 2. Customer care principles, and objectives.—(1) The Municipality aims—

- (a) to move progressively towards the social and economic upliftment of the community in harmony with its natural environment;

- (b) to provide basic services that are affordable to all its people; and specifically to the poor and disadvantaged, provided that, where applicable, service fees, rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount of amounts payable, arising from any other liability or obligation, are paid for;
- (c) to engage the active participation of the community in the municipality's affairs, in particular in planning, service delivery and performance management;
- (d) to provide efficient, effective and transparent administration that conforms to constitutional principles;
- (e) to ensure that the municipality is financially and economically viable; and
- (f) to create a harmonious relationship between the municipality and the community through the acknowledgement of reciprocal rights and duties;
- (g) to subscribe to the Batho Pele Principles.

(2) The municipality by these By-laws, within the scope and spirit of the Constitution, the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and the Property Rates Act, 2004 (Act No. 6 of 2004), gives effect to the principles underlying and expressed in these Acts, and therefore designs, regulates on and implements—

- (a) a customer care and management system which has as purpose—
  - (i) to create a positive and reciprocal relationship between the municipality and an account holder;
  - (ii) to establish mechanisms for an account holder to give feedback to the municipality regarding the quality of the services and the performance of the municipality;
  - (iii) to ensure that reasonable steps are taken to inform an account holder of the costs involved in service provision, the amount for payment of services fees, and the manner in which monies raised from the service provided, are utilised;
  - (iv) to ensure, where the consumption of services has to be measured, that reasonable steps are taken to measure the consumption by individual account holders of service through accurate and verifiable metering systems;
  - (v) to ensure that an account holder receives regular and accurate accounts that indicate the basis for calculating the amounts due;
  - (vi) to provide accessible mechanisms for an account holder to query or verify a municipal account and metered consumption and appeal procedures which allow the account holder to receive prompt redress for inaccurate accounts;
  - (vii)

to provide accessible mechanisms for dealing with complaints from an account holder together with prompt replies and corrective action by the municipality, and to provide mechanisms to monitor the response time and efficiency of the municipal's actions; and

(viii)

to provide for accessible pay points and other mechanisms for settling an account or for making pre-payments for services;

(b)

credit control and debt collection mechanisms and procedures which aim to ensure, subject to the Act and other legislation, that all money that is due and payable, for whatever source or cause, to the municipality, is collected; and

(c)

structures for tariffs and rates.

**3. Municipal Manager Responsible Office.**—The Municipal Manager—

(a)

is responsible to the Executive Mayor for the implementation and enforcement of the provisions of these By-laws;

(b)

must, for the purposes of paragraph (a) take the necessary steps to implement and enforce the provisions of these By-laws;

(c)

is accountable to the Executive Mayor for the agreed performance targets as approved by Council and the Executive Mayor, and for these purposes must—

(i)

from time to time, report to the Executive Mayor on matters relating to these By-law, including but not limited to—

(aa)

the effectiveness of administrative mechanisms, resources processes and procedures to collect money that is due and payable to the municipality;

(bb)

billing information, including the number of account holders, accruals, cash-flow, and customer management;

(cc)

the satisfaction levels of account holders regarding services rendered; and

(dd)

the effectiveness of Council's indigence relief measures; and

(ii)

at regular intervals meet with municipal officials with the aim of submitting a joint recommendation on the policy to the Executive Mayor;

(iii)

where necessary, propose steps to the Executive Mayor with the aim of improving the efficiency of the credit control and debt collection mechanisms, processes and procedures;

(iv)  
where necessary, propose to the Executive Mayor actions and adjustments to correct deviations;

(v)  
establish effective communication channels between Council and account holders with the aim of keeping account holders abreast of all decisions by Council that may affect them;

(vi)  
establish customer service centres which are located in such communities as determined by Council;

(vii)  
identify, appoint, and enter into agreements with suitable business concerns, institutions, organisations, establishments, or parastatal institutions to serve as agencies for the purposes of these By-laws;

(viii)  
convey to account holders information relating to the costs involved in service provision, the reasons for payment of service fees, and the manner in which monies raised from the services are utilised, and may where necessary, employ the services local media to convey such information;

(ix)  
expedite the processing of complaints or inquiries received from an account holder and must ensure that an account holder receives a response within a time determined by Council and must monitor the response time and efficiency in these instances;

(x)  
in line with the latest technological and electronic advances, endeavour to make 24-hour electronic inquiry and payment facilities available to account holders;

(xi)  
encourage and bear on account holders; where needed, to settle outstanding account within the ambit of these By-laws; and

(xii)  
with the consent of an account holder, enter into an agreement with the account holder's employer to deduct from the salary or wages of the account holder—

(aa)  
any outstanding amounts as may be agreed; or

(bb)  
such regular monthly amounts as may be agreed;

and may provide special incentives for employers to enter into such agreements, and employees to consent to such agreement.

**4. Differentiation between customers and exemption.**—(1) In accordance with the principles embodied in the Constitution and the provision of section 6 and 8 of the Property Rates Act, 2004, and section 74 (3) and 75 of the Local Government: Municipal Systems Act, 2000, Council differentiates between different categories of users and consumers in regard to the tariffs which it levies, categories of ratepayers, account holder, customers, debtors, taxes, services, service standards and other matters, however, such differentiation must at all times be reasonable, and must be fully disclosed in each annual budget.

(2) Council may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if the application or operation of that provision would be unreasonable, however Council or its authorised agent may not grant exemption from any section of these By-laws that may result in—

- (a) the wastage or excessive consumption of water or electricity;
- (b) the evasion or avoidance of water or electricity restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not acceptable in terms of Council's prescribed standard; or
- (f) any Act, or any regulation made under it, not being complied with.

(3) Council or its authorised agent may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

## CHAPTER 2 SUPPLY OF MUNICIPAL SERVICES

### *Part 1*

#### *Application for supply and services agreements, deposit, billing and payment, and termination of service agreements*

**5. Application for supply of municipal services and service agreements.**—(1) Any application for any supply of services to any premises must be made at the municipal offices at least ten working days prior to the service being required and must comply with the conditions determined by the Municipal Manager or his or her nominated officer from time to time.

(2) After the commencements of these By-laws and subject to the provisions of section 41 only the owner of a property or his or her duly authorised agent on his or her behalf may apply for municipal services to be supplied to a property.

(3) No services shall be supplied unless and until application has been made by the owner and a service agreement in the format prescribed by Council has been entered into and a deposit provided for in section 6 has been paid. The erf clearly identified by displaying the erf number towards the street front.

(4) An application for a supply for a period of less than one year is regarded as an application for a temporary supply.

(5) The Council reserves the right to construct any municipal services through any erf which might be necessary to services on adjacent development.

**6. Deposits.**—(1) On approval of the application and before the service is made available, Council may require the applicant—

- (a) to deposit for municipal services with Council a sum of money;
- (b) to provide any other form of security; or
- (c) to agree to special conditions regarding payment of the municipal account;  
and monies so deposited with Council serve as security and working capital.

(2) The Municipal Manager or his or her nominated officer reserves the right to review from time to time the sum of money deposited or the amount for which additional security is required.

(3) The Municipal Manager or his or her nominated officer may, in respect of preferred customers, consider relaxation of the conditions pertaining to deposits as set out in subsections (1) and (2).

(4) On termination of the supply of services, the amount of such deposit, as determined by Council from time to time, less any payments due to Council, must be refunded to an account holder.

**7. Billing and payment.**—(1) The account holder must pay all amounts due to Council as reflected in the municipal account, and the onus is on the account holder to verify the accuracy of such account.

(2) An account holder must pay for metered services, and must pay the rates, other municipal charges, levies, fees fines, interest, taxes or any other liability or obligation from the date of origin of such municipal charges until the written termination of the services.

(3) An account holder—

- (a) must be rendered an account monthly in cycles of approximately 30 days.

(4) Payment must be received on or before the close of business on the due date.

(5) No service providers are appointed to collect money on behalf of the Council and no monies should be paid through the service provider.

(6) Where the account holder effect payment of an account via a service provider four working days or more before the due date and such service provider fails to furnish Council with the relevant payment details, such service provider may be held liable for all charges incurred by Council to recover an arrear amount erroneously reflected on the account of the account holder, as well as for interest charges.

(7) Council may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, and may render an account to an account holder for the quantity of metered services so estimated.

(8) If an account holder is dissatisfied with an account rendered for metered services supplied by Council, such account holder may, prior to the due date stipulated therein object to the account, setting out reasons for such dissatisfaction.

(9) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the account holder must notwithstanding such dispute proceed to make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of Council.

(10) An error or omission in any account or failure to render an account does not relieve the account holder of the obligation to pay by the due date.

(11) If an account holder uses water or electricity for a category of use other than that for which it is supplied by Council and is in consequences not charged for water or electricity so used, or is charged for water or electricity at a rate lower than that at which the account holder should be charged, the account holder is liable for the amount due to Council in accordance with the prescribed charges in respect of—

- (a) the quantity of water or electricity which the account holder has used and for which the account holder has not been charged; or
- (b) the difference between the cost of the water or electricity used by the account holder at the rate at which the water or electricity at the rate at which the account holder should have been charged.

(12) An account holder is not entitled to a reduction of the amount payable for metered services which are lost due to a default in the meter, until such time as the provisions of section 13 (8) (c) have been met.

(Editorial Note: Wording as per original *Provincial Gazette*. This subsection refers to section 13 (8) (c), however, section 13 (8) (c) was not published in this By-law. It is furthermore suggested that the phrase "holder is not entitled" is intended to be "holder is not entitled".)

(13) Council may—

- (a) consolidate any separate accounts of an account holder liable for payment to the Municipality; and
- (b) credit any payment by an account holder against any debt of that account holder.

(14) The owner of property may enter into an agreement with the municipality in terms of which payment for rates is made annually; in which case payment must be made on or before the date determined by the municipality.

**8. Termination of service agreement.**—(1) Termination of the service agreement must be in writing to the other party of the intention to do so.

(2) Inspection of the property by a building inspector to ensure that no run-off water can enter the municipal sewer network.

(3) The relevant Chief Financial Officer may, by notice in writing of not less than 14 working days, advise an account holder of the termination of the agreement for a supply of municipal services if—

- (a) the account holder has not consumed any water or electricity during the preceding six months, or has vacated the property and has not made satisfactory arrangements for the continuation of the agreement;
- (b) the account holder has committed a breach of these By-laws and has failed to rectify such a breach; or
- (c)



Council cannot continue to supply the account holder with municipal services, as in terms of an arrangement with another authority supplying municipal services such authority must in future supply municipal services to the account holder.

*Part 2*

*Non-payment of municipal accounts*

**9. Arrangements for payments.**—(1) Should an account holder, before any of the steps have been taken in terms of section 11, not be able to pay the municipal account in full, the account holder may approach Council with the aim of making short-term arrangements to settle the account.

(2) Should an account holder, after any of the steps have been taken in terms of section 11, experience difficulties in paying the municipal account, the account holder may approach Council with the aim of making arrangements to settle the account, and the account holder must enter into a written agreement with Council to repay to Council the outstanding and due amount under the conditions and on a basis determined, from time to time, by the Municipal Manager, or his/her nominated officer.

(3) The written agreement has to be signed on behalf of Council by a duly authorised officer.

(4) In the instance where arrangements for payment have been made Council may—

(a)

review the deposit;

(b)

require of an account holder to pay by means of a stop order or debit order;

(c)

require of an account holder to convert to a pre-paid metering system; or

(d)

require any other form of security, including personal surety ship by the directors or members of a company, closed corporation, trust or body corporate.

**10. Interest on overdue municipal accounts.**—(1) Council may, from time to time, by resolution charge or recover interest at a determined interest rate in respect of any arrear amounts due and payable to Council.

(2) Irrespective of the reason for non-payment, or where an arrangement has been made in terms of section 9, interest accrues if an account is unpaid.

(3) Interest is calculated monthly according to the interest rate approved by Council, and a portion of a month is regarded as a month.

(4) Interest is payable if payment is not received at an office of Council or to the credit of the bank account of Council at the close of business on the due date.

**11. Debt collection mechanisms.**—(1) Where appropriate, the Municipality must at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date—

- (a) delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
- (b) informing the account holder verbally, in writing, telephonically, or by electronic means of the overdue amount and the impending disconnection or restriction of services;
- (c) disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
- (d) debiting the municipal account of the account holder with all relevant fees or penalties approved by Council.

(2) Where the metered supply has been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored—

- (a) Council has the right to take whatever action is required in terms of section 30, and the account holder is responsible for the relevant fees or charges or damages caused;
- (b) Council may refuse to supply services for a period determined by Council from time to time; and
- (c) in the instance of the use of pre-paid meter, Council may cease further vending of pre-paid services.

(3) Where a duly authorised officer of Council has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction could not be effected.

(4) Council may use any one or more of the following mechanisms to secure full payment of any amounts owing to it—

- (a) restricting or denying the sale of pre-paid services to an account holder; or disconnecting any pre-paid metering system of an account holder, who is in arrears with other services;
- (b) requiring of the account holder to convert to another metering system;
- (c) allocating a portion of any pre-paid to other debts;
- (d) releasing debtor information to a credit bureau;
- (e) publishing a list of account holders who remain in default;
- (f) withholding payment of a grant-in-aid and subject to the provisions of section 32, excluding the account holder from the tender process;
- (g)

withholding payment on contracts for settlement of the municipal account;

- (h) reviewing and altering the conditions of the service agreement;
- (i) instituting legal proceedings for the recovery of the debt;
- (j) classifying the account holder as an unreliable customer;
- (k) using the services of external debt collection specialists or agencies;
- (l) insisting on conversion to pre-paid metering at the cost of the account holder; or
- (m) employing any other methods authorised by Council from time to time to recover arrear amounts.

(5) The cost of collection, where applicable, is to the account holder's account.

(6) Subject to the provisions of section 28 and 29 of the Property Rates Act, 2004 (Act No. 6 of 2004) the right to deny, restrict, disconnect or terminate services due to the non-payment for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact—

- (a) payment was intended for any specific service; or
- (b) the person who entered into a service agreement for supply of services with Council and the owner are different entities or persons, as the case may be.

### *Part 3*

#### *Metering equipment and metering of services*

**12. General provisions.**—(1) Council may introduce various metering equipment and may encourage an account holder to convert to a system which is preferred by Council when there are benefits for Council.

(2) After commencement of these By-laws, and where possible and applicable, pre-paid meters must preferably be installed for all new connections.

**13. Metering equipment and measuring of consumption.**—(1) Council must, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring metered services.

(2) Council reserves the right to meter the supply to a block of shops, flats, tenement-houses and similar buildings for the building as a whole, or for an individual unit, or for a group of units.

(3) Where any building referred to in subsection (2) is metered by Council as a whole—

- (a)

the owner may, at own cost, provide and install appropriate sub-metering equipment for each shop, flat and tenement; or

(b)

the relevant Chief Financial Officer may require the installation, at the account holder's expense, of a meter for each unit of any premises in separate occupation for the purpose of determining the quantity of metered services supplied to each such unit.

(4) Where the electricity used by consumers is charged at different tariff rates, the consumption must be entered separately for each rate.

(5) Where sub-metering equipment is installed, accommodation separate from Council's metering equipment must be provided where appropriate.

(6) For the purpose of calculating the amount due and payable for the quantity of metered services consumed, the same amount of metered services is deemed to be consumed during every period of 24 hours between readings.

(7) The following apply to the accuracy of metering—

(a)

a meter is conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (12), is found to be within the limits of error as provided for in the applicable standard specifications;

(b)

the municipality has the right to test its metering equipment, and if it is established by test or otherwise that such metering equipment is defective, the Municipality must—

(i)

in case of a credit meter, adjust the account rendered; or

(ii)

in the case of prepayment meters—

(aa) render an account where the meter has been under registering; or

(bb) issue a free token where the meter has been over-registering; and

(c)

the consumer is entitled to have the metering equipment tested by the municipality on payment of the prescribed fee, and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, and adjustment in accordance with the provisions of paragraph (b) and subsection (6) must be made and the aforesaid fee must be refunded.

(8) No alterations, repairs, additions or connections of any description may be made on the supply side of the point in metering unless specifically approved in writing by the Municipal Manager or a duly authorised officer of Council.

(9) Prior to the Municipality making any upward adjustment to an account in terms of subsection (7) (b), the Municipality must—

(a)

notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

(b)

in such notification provide sufficient particulars to enable the consumer to submit representation thereon; and

(c)

call upon the consumer in such notice to present it with reasons in writing, if any, within 21 days or such longer period as Council may permit, why the account should not be adjusted as notified, and should the consumer fail to provide any representation during the period Council is entitled to adjust the account as notified in paragraph (a).

(10) The Municipality must consider any representation provided by the consumer in terms of subsection (9) and must, if satisfied that a case has been made out therefore, adjust the account appropriately.

(11) If the Municipal Manager or a duly authorised officer of Council decides, after having considered the representation made by the consumer, that such representation does not establish a case warranting an amendment to the monetary value established in terms of subsection (14), Council is entitled to adjust the account as notified in terms of subsection (9) (a), and the consumer has the right to appeal to the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

(12) Meters are tested in the manner provided for in the applicable standard specifications.

(13) When adjustment is made to the consumption registered on a meter in terms of subsection (7) (b) or (7) (c), such adjustment is based either on the percentage error of the meter as determined by the test referred to in subsection (12), or upon calculation by the Municipality from consumption data in its possession, and where applicable, due allowance must be made, where possible, for seasonal or other variations which may affect consumption.

(14) When an adjustment is made as contemplated in subsection (13), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, however the application of this subsection does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(15) The relevant Chief Financial Officer may dispense with the use of a meter in case of—

(a)

an automatic sprinkler fire installation; and

(b)

special circumstances at the Engineer's discretion.

(16) Council may by notice—

(a)

prohibit or restrict the consumption of metered services—

(i)

for specified or non-specified purposes;

(ii)

during specified hours of the day or non specified days or otherwise than during specified hours of the day or non specified days; and

(iii)

a general surcharge on the prescribed charges in respect of the supply of metered services; and

(b)

determine and impose—

(i)

limits on the quantity of metered services which may be consumed over a specified period;

(ii)

charges additional to those prescribed in respect of the supply of metered services in excess of a limit contemplated in sub-paragraph (i); and

(iii)  
a general surcharge on the prescribed charges in respect of the supply of metered services; and

(iv)  
the installation of a flow restricting device where abnormal waste of water occurs;

(c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which metered services is used or consumed, or on the connection of such appliance.

(17) Council may limit the application of the provisions of a notice contemplated by subsection (16) to specified areas and classes of account holders, premises and activities, and may provide for the Chief Financial Officer: Electricity and Energy to permit deviations and exemptions from, and the relaxation of any the provisions on such grounds as he and she deem fit.

(18) To ensure compliance with a notice published in terms of subsection (16), the relevant Chief Financial Officer may take, or by written notice require an account holder at the account holder's expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of metered services as may be necessary.

(19) In addition to the person by whose act or omission a contravention of or failure to comply with the terms of a notice published in terms of subsection (16) is actually committed, an account holder in respect of the premises to which metered services are supplied is presumed also to have committed the contravention or to have so failed to comply, unless evidence is adduced that the account holder had taken all reasonable steps to prevent such a contravention or failed to comply by any other person, however, the fact that the account holder issued instructions to the other person shall not itself be accepted as sufficient proof that the account holder took all such reasonable steps.

(20) The provisions of this section also apply in respect of metered services supplied directly by Council to account holders outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (16).

(21) If such action is necessary as a matter of urgency to prevent waste of metered services, refuse of sewerage, damage to property, danger to life, or pollution of water, the relevant Chief Financial Officer may—

(a) without prior notice disconnect the supply of metered services to any premises; and

(b) enter upon such premises and do such emergency work, at the account holder's expense, as he or she may deem necessary, and in addition by written notice require the account holder to do within a specified period such further work as the relevant Chief Financial Officer may deem necessary.

(22) Before any metered or pre-paid metered supplies which have been disconnected or restricted for non-payment is restored, an account holder must pay all fees and charges as determined by Council, from time to time.

(23) The relevant Chief Financial Officer may, at the written request of an account holder and on the dates requested by the account holder—

(a) disconnect the supply of metered services to the account holder's premises; and

(b)

restore the supply, and the account holder must be fore the metered services is restored pay the prescribed charge for the disconnection and restoration of his/her supply of metered services.

(24) After disconnection of non-payment of an account or a contravention of any provision of these By-laws, the prescribed fees must be paid before reconnection is made.

(25) The following apply to the reading of credit meters—

(a)

unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariff are assessed accordingly and Council is not obliged to effect any adjustments to such charges;

(b)

if for any reason the credit meter cannot be read, Council may render an estimated account, and estimated consumption must be adjusted in a subsequent account in accordance with the consumption actually consumed;

(c)

when an account holder vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly;

(d)

if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and

(e)

if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer—

(i)

the error must be corrected in subsequent accounts;

(ii)

any such correction applied only in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered;

(iii)

the correction is based on the actual tariffs applicable during the period; and

(iv)

the application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(26) The following apply to prepayment metering—

(a)

no refund of the amount tendered for the purchase of electricity or water credit is given at the point of sale after initiation of the process by which the prepayment meter token is produced;

(b)

copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer;

(c)

when an account holder vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter is made to the owner by Council;

- (d) Council is not liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens;
- (e) where an account holder is indebted to Council for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amounts payable arising from any other liability or obligation, Council may deduct a percentage from the amount tendered to offset the amount owing to Council; and

**14. Resale of water or electricity.**—(1) No account holder who is supplied with metered services in terms of these By-laws may sell or supply water or electricity, supplied to the account holder's premises under an agreement with Council, to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit of such resale or supply to be made, unless provision has been made therefore in a special agreement or unless prior permission from Council to do so has been obtained.

(2) If Council grants the permission referred to in subsection (1), it may stipulate the maximum price at which the water or electricity maybe sold and impose such other conditions as it may deem fit.

(3) Permission referred to in subsection (1) may withdraw at any time.

(4) Where water or electricity is resold for use on the same premises, such resale must be in accordance with the tariff and subject to such conditions as Council may decide.

*Part 4*  
*Indigence relief measures*

**15. Requirements for indigence relief.**—(1) To qualify for indigence relief, the following requirements must be met—

- (a) the applicant must be an account holder;
- (b) the applicant must, before a date determined by Council, apply as determined by Council from time to time, to be granted the status as poor household, and for these purposes must—
  - (i) complete and sign the prescribed forms; and
  - (ii) provide any other documentation as may be required by Council from time to time;
- (c) the applicant may not be the owner of more than one residential property and he or she must occupy the property; and
- (d) the collective household income may not exceed the amount determined by Council in terms of subsection (2);
- (e)



the current limited supply will be set out at 20 ampere circuit breaker and the prepaid dispenser at each home will e set accordingly.

(Editorial Note: Wording as per original *Provincial Gazette*. It is suggested that the phrase "will e set" is intended to be "will be set".)

(2) For the purposes of determining the collective household income as contemplated in subsection (1) (d), Council may stipulate an amount, or may determine a maximum amount based on any one or more of the following—

- (a) consumption of water;
- (b) consumption of electricity; or
- (c) the municipal valuation of the property, which valuation may not exceed the value determined by Council from time to time.

(3) In the instance where the account holder is deceased, the existing and future account of the household must be accepted under the indigence relief measures, on condition that only the surviving spouse or dependent children may apply or benefit.

(4) For the purpose of subsection (1) (c) vacant the land does not qualify as a property.

**16. Credit given.**—(1) Households which qualify for indigence relief measures may receive a credit for some or all of the following—

- (a) a quantity of electricity, as determined by Council from time to time;
- (b) a quantity of water, as determined by Council from time to time;
- (c) the refuse removal charges, as determined by Council from time to time;
- (d) the sewerage charges, as determined by Council from time to time;
- (e) rates, as determined by Council; or
- (f) any other services fees, taxes or charges over and above the rendered services.

(2) Council has the right to visit the property mentioned in these By-laws at any reasonable time to the purposes of auditing or inspection.

(3) The normal rates, fees and charges and the requirement to pay an account will apply should a household account exceed the credit given.

### CHAPTER 3 TARIFFS

#### *Part 1*

#### *General principles, calculation of tariffs for major services*

**17. General principles.**—(1) The Council adopts, subject to subsection (13), Sections 20 and 21, a two-part tariff structure consisting of a fixed availability charge coupled with a charge based on consumption.

(2) In setting its annual tariffs the Council must at all times take due cognisance of the—

- (a) tariffs applicable elsewhere in the economic region; and
- (b) impact which its own tariffs may have on local economic development.

(3) With exception of the indigence relief measures approved by the municipality, service tariffs imposed by Council should be viewed as user charges and not as taxes, and the liability of the relevant consumer or user of the services to which such tariffs relate, to pay for such services, should not be considered as a relevant criterion.

(4) The municipality must ensure that its tariffs are uniformly and fairly applied throughout the municipal area.

(5) Tariffs for the following services rendered by the municipality, must as far as possible recover the expenses associated with the rendering of each service concerned, and, where feasible, generate a modest surplus as determined in each annual budget—

- (a) supply of electricity;
- (b) supply of water;
- (c) sanitation services, including sewerage and waste water disposal services; and
- (d) refuse (solids waste) removal services.

(6) A surplus contemplated in subsection (5) must be applied in relief of property rates or for the future capital expansion of the service concerned, or both.

(7) The tariff, which a particular consumer or user pays, must be directly related to the standard of service received and the quantity of the particular service used or consumed.

(8) The Municipality must annually review its indigence relief measures, as contemplated in section 15 and 16, and must set out the—

- (a) municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents; and
- (b) the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.

(9) (a) The Municipality's tariffs policy must be transparent.

(b) The extent to which there is cross-subsidisation between categories of consumers or users must be evident to all consumers or users of the service in question.

(10) The Municipality undertakes to—

- (a)

ensure that its tariffs are explained to and understood by all consumers and users affected by these By-laws;

- (b) render its services cost effectively in order to ensure the best possible cost of service delivery.

(11) In the case of the directly measurable services, namely electricity and water, the consumption of such services must be properly metered by the municipality, and meters must be read, wherever circumstances reasonable permit, on a monthly basis, and the charges levied on consumers must be proportionate to the quantity of the service which they consume.

(12) Council has for each property determined the availability charge set out which charge is payable monthly, in respect of each service specified.

(13) In considering the costing of its water, electricity and sewerage services, the municipality must take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable cost of operating these services.

(14) (a) The municipality's tariffs for electricity services are determined to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, have to bear the costs associated with these charges.

(b) For the purposes of paragraph (a), the municipality must install demand meters to measure the maximum demand of such consumers during certain periods.

(c) Such consumers must pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

**18. Calculation of tariffs for major services.**—(1) In order to calculate the tariffs which must be charged for the supply of services contemplated in section 17 (5), the municipality must identify all the costs of operation of undertakings concerned, including specifically the following—

- (a) cost of bulk purchases in the case of water and electricity;
- (b) distribution costs;
- (c) distribution losses in the case of electricity and water;
- (d) depreciation expenses;
- (e) maintenance of infrastructure and other fixed assets;
- (f) administration and service costs, including—
- (i)
- service charges levied by other departments such as finance, human resources and legal services;
- (ii)
- reasonable general overheads, such as the costs associated with the office of the Municipal Manager;

(iii)  
adequate contributions to the provisions for bad debts and obsolescence of stock;  
and

(iv)  
all other ordinary operating expenses associated with the service concerned  
including, in the case of the electricity service, the cost of providing street lighting  
in the municipal area.

(g) the intended surplus to be generated for the financial year, such surplus to be applied—

(i)  
as an appropriation to capital reserves;

(ii)  
generally in relief of rates and general services; or

(iii)  
as an appropriation to capital reserves and generally in relief of rates and general  
services; and

(h) the cost of indigence relief measures.

(2) In case of a rezoning and/or subdivision which might lead to densification, the applicant be held responsible for the upgrading of water and sanitation services over and above the main services contribution.

#### Part 2

#### *Structure of tariffs for major services, minor tariffs*

#### **19. Structure of tariffs.**—(1) The Municipality must—

(a) provide the first 50 kilowatt-hours of electricity per month and the first 10 kilolitre of water per month free charge to a consumer who have registered as an indigent in terms of section 15 (1) (b); and

(b) consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigent to the extent that the Council deems such relief affordable in terms of each annual budget, however, such relief may not be less than a discount of 50% on the monthly amount billed for the service concerned.

(2) The tariff for a pre-paid meter is the same as the ordinary consumption tariffs levied on the category of consumer concerned, and no availability charge is levied on a property where a pre-paid meter has been installed.

#### **20. Electricity.**—(1) The various categories of electricity consumers, are charged at the applicable tariffs, as approved by Council in each annual budget.

(2) Tariff adjustments are effective from 1 July each year or as soon as possible thereafter.

**21. Water.**—(1) The categories of water consumers as set out in subsection 5, are charged at the applicable tariffs, as approved by Council in each annual budget.

(2) Tariff adjustments are effective from 1 July each year.

(3) The tariff levied for domestic consumption of water escalates according to the volume of water consumed, and the tariff for domestic consumption is based on a monthly consumption .

(4) The tariff for non-domestic water consumption is based on a single tariff per kilolitre consumed, irrespective of the volume of consumption concerned.

(5) Categories of consumers and charges are as follows—

(a)

a domestic water consumer registered as an indigent with the municipality must receive free the first 10 kilolitre of water consumed per month, thereafter additional consumption will be payable;

(b)

all other domestic consumers are charged for actual water consumption at tariff per kilolitre as determined by the Council;

(c)

a basic charge per water meter, as determined by Council, is charged on a water consumer, except a registered indigent and a consumer using a prepaid meter.

**22. Refuse removal.**—(1) The categories of refuse removal users as set out in subsection (3) are charged at the applicable tariffs, as approved by Council in each annual budget.

(2) Tariff adjustments are effective from 1 July each year.

(3) A separate fixed monthly refuse removal charge applies to each of the following categories of users, based on the costs of the service concerned—

Domestic and other users, where refuse is removed by Council once weekly; and (i)

Business and other users, where refuse is removed by Council twice weekly; (ii)

Business and other users, where refuse is removed by Council thrice weekly; and (iii)

Business and other bulk consumers. (iv)

(3) A registered indigent may receive such discount on this charge as Council deems affordable when approving each annual budget, which discount may not be less than 50% of the monthly amount billed as a refuse removal charge.

(Editorial Note: Numbering as per original *Provincial Gazette*.)

**23. Sewerage.**—(1) The categories of sewerage users as set out in subsection (3) are charged per month at the applicable tariff as approved by Council in each annual budget.

(2) Tariff adjustments are effective from 1 July each year.

(3) Categories of users and charges are—

(a)

an availability charge is charged per month for an undeveloped erf, irrespective of its permitted or intended use;

- (b) a fixed monthly charge based on the costs of the service, is charged for bucket removal for a domestic user, however, a registered indigent may receive such discount on this charge as Council deems affordable when approving each annual budget, which discount may not be less than 50% of the monthly amount billed for this service;
- (c) a fixed monthly charge based on the costs of the service is charge for a domestic user, however, a registered indigent may receive such discount on this charge as Council deems affordable when approving each annual budget, which discount may not be less than 50% of the monthly amount billed for this service;
- (d) an effluent fee is payable by a factory and another industrial user where the wastewater emanating from such user requires special purification measures by the municipality, and the fee is based on the toxic content of the wastewater concerned and the costs of the purification;
- (e) an effluent fee is payable by a service provider who dumps affluent which is collected by tanker from any sanitation system.

**24. Minor tariffs.**—(1) All minor tariffs are standardised within the municipal region.

(2) All minor tariffs are approved by Council in each annual budget and are, when deemed appropriate by Council, subsidised by property rates and general revenues, particularly when the—

- (a) tariffs prove uneconomical when charged to cover the cost of the service concerned;
- (b) cost cannot accurately be determined; or
- (c) tariff is designed purely to regulate rather than finance the user of the particular service or amenity.

(3) Unless there are compelling reasons why such adjustment should not be effected, all minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, are adjusted annual at least in accordance with prevailing consumer price index.

(4) The following services are subsidised services and the tariffs levied cover 50%, or as near a possible to 50%, of the annual operating expenses budgeted for the service concerned—

- (a) burial services and the provision of cemeteries; and
- (b) the provision of municipal sports and facilities for use against a fee.

(5) The following services are considered as being community services and no tariffs are levied for their use—

- (a) a municipal swimming pool;
- (b) a municipal museum and art gallery;
- (c) the disposal of garden refuse at the municipal tip site;
- (d) a municipal reference library;
- (e) a municipal lending library, except for fines determined;
- (f) a municipal botanical garden, other park or open space.

(6) The following services are considered as being economic services, and the tariffs levied cover 100%, or as near as possible to 100% of the budgeted annual operating expenses of the service concerned—

- (a) the maintenance of graves, gardens of remembrance and crematoria against payment of a fee;
- (b) the availability of a house against payment of a housing rental;
- (c) subject to subsection (9), the use of a municipal hall and other premises against payment of a fee;
- (d) the supply of a building plan against payment of a fee;
- (e) the selling of—
  - (i) plastic refuse bags;
  - (ii) the selling of refuse bins; and
  - (iii) livestock and plants;
- (f) the cleaning of stands against payment of a fee;
- (g) the connection of electricity, water and sewerage against payment of a connection fee;
- (h) the photostating of copies against payment of a fee; and
- (i) the issuing of a clearance certificate against payment of a fee;
- (j) the construction of a new driveway entrance from any street with precasted curbs.

(7) The following charges and tariffs are considered as regulatory or punitive, and are determined as appropriate in each annual budget—

- (a) fines for lost or overdue library books;
- (b) advertising sign fees;
- (c) pound fees;
- (d) disconnection and reconnection fees of electricity and water;
- (e) penalty and other charges imposed in terms of Chapters 1 and 2; and
- (f) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.

(8) A market related rental is levied for the lease of a municipal property.

(9) If the Municipal Manager is satisfied, in the case of a rental for the use of a municipal hall and premises, that the hall or premises is required for non-profit making process and for the provision of a service to the community, the Municipal Manager may waive the applicable rental.

(10) The Municipal Manager must determine whether an indemnity or guarantee is to be lodged in each instance for rental of municipal hall, premises or sports field, and in so determining must be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.

(11) The costs of the democratic process in the municipality such as, but not limited to, all expenses associated with the political structures of the municipality, form part of the expenses to be financed from property rates and general revenues and are not included in the costing of the major services of the municipality.

#### CHAPTER 4 RATES

**25. Imposition of rates.**—(1) The Council must impose and imposes, as part of each annual operating budget component, a rate in the rand on the market value of all rateable property as recorded in the municipality's valuation roll and supplementary valuation roll.

(2) When imposing the rate for each financial year, the Council must take property cognisance of the—

- (a) aggregate burden of rates and service charges on property owners in the various categories of property ownership; and
- (b) extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region.



**26. Rebates on rates.**—(1) The Council grant rebates in recognition of the following factors—

- (a) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other parties to recover such rates as part of the expenses associated with the goods or service which they produce;
- (b) the need to accommodate indigents and less affluent pensioners;
- (c) the services provided to the community by public service organisations;
- (d) the value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities;
- (e) the need to preserve the cultural heritage of the local community;
- (f) the need to encourage the expansion of public service infrastructure; and
- (g) the indispensable contribution which property developers, especially in regard to commercial and industrial property development, make towards local economic development, and the continuing need to encourage such development.

(2) The Municipal Manager must, subject to the section 15 (3) and 15 (4) of the Municipal Property Rates Act, 2004 (Act No. 6 of 2004), ensure that rebates are indicated on the rates accounts submitted to each property.

(3) In determining whether a property forms part of a particular category contemplated in subsection (2), the municipality must have regard to the actual use to which the relevant property is put, and in the case of vacant land not specifically included in any of the categories, the permitted use of the property determines into which category it falls.

(4) The rebates granted under subsection (2) apply in addition to the provisions of section 17 (1) (h) of the Municipal Property Rates Act, 2004.

(4) (a) subject to the provision of section 9 of the Municipal Property Rates Act, 2004, a property other than one referred to in section 17 (1) (h) (i) of that Act, is rated on the value assigned to each component and receives the rebate applicable to such component.

(Editorial Note: Numbering as per original *Provincial Gazette*.)

(b) where one component on average represents 90% or more of the property's actual use, such property must be rated as though it were used for that use only.

**27. Adjustment of rates.**—(1) Where the rates levied on a particular property have been incorrectly determined, whether because of—

- (a) an error or omission on the part of the municipality;
- (b) false information provided by the property owner concerned; or

- (c) a contravention of the permitted use to which the property concerned may be put, the rates payable must be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which taxes were first levied in terms of the current valuation roll.

(2) Where the error occurred as contemplated in subsection (1) (b) or (c), interest on the unpaid portion of the adjusted rates payable must be levied at the maximum rate permitted by prevailing legislation.

**28. Frequency of valuations.**—Subject to the provisions of Sections 32 and 77 of the Municipal Property Rates Act, 2004 (Act No. 6 of 2004), the municipality must prepare a new valuation roll every four years and supplementary valuation rolls at least once per annum.

#### CHAPTER 5 ENFORCEMENT

**29. Council's powers to restrict or disconnect supply of services.**—Council may, over and above the provisions of any other provisions in these By-laws restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises if—

- (a) an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act No. 37 of 1944), in respect of an account holder;
- (b) an account holder of any service fails to comply with a condition of supply imposed by Council;
- (c) an account holder obstructs the efficient supply of electricity, water or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which is dangerous or a contravention of relevant legislation; or
- (f) an account holder is placed under provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 1936 (Act No. 24 of 1936).

**30. Tampering, unauthorised connections and reconnections and improper use.**—

(1) Council reserves the right to monitor the service network for signs of tampering or irregularities.

(2) No person may in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of Council.

(3) Where *prima facie* evidence exists of an account holder or any person having contravened subsection (2), Council has the right to disconnect the supply immediately and without prior notice to the account holder and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.

(4) Where an account holder or any person contravened subsection (2) and such contravention has resulted in the meter recording less than the true consumption, Council has the right to recover from the account holder the full cost of his or her estimated consumption.

**31. Clearance certificate.**—To effect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate, which certificate is obtainable for the Municipal Manager or a duly authorised officer of Council, upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended being met.

**32. Tenders and grants-in-aid.**—(1) Each tender submitted to Council must be accompanied by a certificate from the municipality stating that the proposed supplier is not indebted to Council for any arrear amount reflected on the municipal account.

(2) Should a proposed supplier be so indebted, Council may disallow the tender.

(3) Council may only consider a tender once the proposed supplier has made satisfactory arrangements to pay the outstanding amount by means of instalments or has settled all arrear amounts in full.

(Editorial Note: Wording as per original *Provincial Gazette*. It is suggested that the phrase "supplier has made" is intended to be "supplier has made".)

(4) The Municipal Manager or a duly authorised officer of Council must in the condition of contract provide the deduction from moneys owed to the supplier in order to settle any outstanding amount.

(5) Payment of any grants-in-aid approved by Council may be withheld pending payment of any outstanding municipal account, or pending an agreement between Council and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

**33. Power of council to recover costs.**—(1) Where a bank dishonours any payment made to Council, Council may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.

(2) All legal costs, including attorney-and-client costs incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 (Act No. 32 of 1944), must be levied against the arrears account of the account holder.

(3) For any action taken in demanding payment from an account holder or reminding an account holder by means of telephone, fax, electronic mail, letter or otherwise that payments are due, a fee will be levied against the municipal account of the account holder in terms of Council's tariffs provisions.

**34. *Prima facie* evidence.**—A certificate reflecting the amount due and payable to Council, signed by the Municipal Manager or a duly authorised officer of Council, is upon mere production thereof *prima facie* evidence of the indebtedness of the person mentioned in it.

**35. Abandonment of bad debts and full and final settlement of account.**—(1) Before terminating the debt collection procedure in any individual instance, the Municipal Manager must—

- (a) ensure that all debt collection mechanisms as provided for in section 11 have been utilised where reasonable;
- (b) maintain an audit trail; and
- (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments.

(2) The acceptance of full and final settlement necessitates the writing off of the account in excess of the settlement value and mostly assessment rates are involved, therefore the acceptance of settlement should be considered by the Executive Mayor or Council depending on the Delegation of Powers.

(3) Where the exact amount due and payable to Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, except the Municipal Manager or the Municipal Manager's delegate, shall not be deemed to be in full and final settlement of such an amount.

**36. Power of entry and inspection.**—(1) A duly authorised representative of Council may for any reason related to the implementation or enforcement of these By-laws at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.

(2) If Council considers it necessary for work to be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may—

- (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
- (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.

(3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention has taken place, Council must bear the expense connected therewith together with that of restoring the premises to their former condition.

**37. Authentication and service of orders, notice and other documents.**—(1) An order, notice or other document requiring authentication by Council must be signed by the Municipal Manager or by a duly authorised officer of Council such authority being conferred by resolution of

Council or by a By-law or regulation and when issued by Council in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by Council.

(2) Any notice or other document that is served on a person by a duly authorised officer of Council in terms of these By-laws, is regarded as having been served—

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representatives in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown when it has been placed in a conspicuous place on the property or premises, if any, to which it relates;
- (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate to a person apparently over the age of 16 years; or
- (g) when it has been delivered, at the request of a person, to that person's electronic mail address.

(3) When any notice or other document has to be served on the owner, an account holder or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, account holder or holder of the property or right in question, and it is not necessary to name that person.

(4) Service of a copy is deemed to be service of the original.

(5) Any legal process is effectively and sufficiently served on Council when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

## CHAPTER 6 MISCELLANEOUS PROVISIONS

**38. Right of appeal.**—(1) A person whose rights are affected by a decision of a Municipal Officer may appeal against that decision by giving notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by—

- (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
- (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
- (c) a political structure or political officer bearer or a Councillor, a committee of councillors who were not involved in the decision and appointed by Council for this purpose is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within reasonable time.

**39. Offences and penalties.**—A person is guilty of an offence and liable upon conviction to a period not exceeding six months of community service or a fine or a combination of the aforementioned if he or she—

- (a) fails to give access required by an officer in terms of section 36;
- (b) obstructs or hinders an officer in the exercise of his or her powers or the performance of functions or duties under these By-laws;
- (c) uses or interferes with Council equipment for consumption of services supplied;
- (d) fails to refuse to give Council or an officer such information as Council or the officer may reasonably require for the purpose of exercising powers or functions under these By-laws, or gives council or the Officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of these By-laws; or
- (f) tampers or breaks any seal on a meter or any equipment belonging to Council, or for any reason determined by the Municipal Manager causes a meter not to register the services used properly, and the person shall furthermore be charged for usage of electricity or water, as the case may be.

**40. Saving provisions and repeal.**—(1) The provisions of the Standard Electricity By-laws, the Water and Sanitation By-laws, as adopted by the Thaba Chweu Local Municipality and in force immediately before the commencement of these By-laws continue in force as if made under these By-laws, in so far as they are not inconsistent with the provisions of these By-laws.

(2) Should there be any conflict between these By-laws and any other By-laws of Council, these By-laws prevail.

(3) The provisions of any By-laws are hereby repealed in so far as they relate to matters provided for in these By-laws, including By-laws promulgated by any of the administrative units of the erstwhile Local Authorities now incorporated in the Thaba Chweu Local Municipality.

**41. Short title and commencement.**—These By-laws may be cited as the Thaba Chweu Local Municipality Customer Care and Revenue Management By-laws and come into operation on the date of promulgation in the Mpumalanga *Provincial Gazette*.

---

**NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS**

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 [GeneralEnquiries@gpw.gov.za](mailto:GeneralEnquiries@gpw.gov.za)
  - Maps : 012 748 6061/6065 [BookShop@gpw.gov.za](mailto:BookShop@gpw.gov.za)
  - Debtors : 012 748 6060/6056/6064 [PublicationsDebtors@gpw.gov.za](mailto:PublicationsDebtors@gpw.gov.za)
  - Subscription : 012 748 6054/6055/6057 [Subscriptions@gpw.gov.za](mailto:Subscriptions@gpw.gov.za)
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at [www.gpwonline.co.za](http://www.gpwonline.co.za) for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.