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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 98

MOSES KOTANE LOCAL MUNICIPALITY



CREDIT CONTROL AND DEBT COLLECTION BY-LAW

This By-Law is made in terms of Section 98 of the Local Government: Municipal Systems Act, Act No. 32 of 2000, to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement and the following are hereby enacted:

DEFINITIONS

For the purpose of these by-laws, unless the context indicates otherwise –

“Arrears” means amounts due for levies on the municipal account for which no payments are reflected after the due date on the municipal account.

“Chief Financial Officer” means a person appointed by the Municipality to manage, *inter alia*, the financial administration and collection of the debt of the Municipality's debtors.

“Client Management” means the focusing on the client's needs in a responsive and proactive way to encourage payment, thereby limiting the need for enforcement.

“Credit Control” means the limiting of further service delivery (and thus lowering current accounts and arrears growth) to defaulters and the negotiation for payment before normalizing service delivery again.

“Debt Collection” means the administrative and legal processes, which are necessary to collect unpaid income of the Municipality from its debtors.

“Debtor” means a person or entity to whom or to which a municipal account has been submitted. The Municipality is at liberty to submit one municipal account for all levies/charges in respect of a property, to the owner of that property and to distinguish between types of properties in this regard.

“Defaulter” means a debtor whose municipal account is in arrears for a period of more than 30 (thirty) days from date of account.

“Indigent” means debtors who are poor private households as defined by the Municipality’s policy regarding such people, who receive benefits in terms of the Social Package of tariffs and arrears included in the policy.

“Interest” constitutes a levy equal to service levies and is calculated at a rate determined by the Municipality on amounts in arrears.

“Municipal Services” are those services, rates and taxes reflected on the municipal account for which payments is required by the Municipality.

“Municipal Account” shall include levies or charges in respect of the following services and/or taxes:

- (a) Electricity consumption
- (b) Water consumption
- (c) Refuse removal
- (d) Sewerage services
- (e) Property taxes charged in relation to the value of the premises in terms of the relevant legislation, including but not limited to the Property Rates Act
- (f) Interest on amounts in arrears
- (g) Value added tax on ratable municipal services
- (h) Rent levies for housing and municipal properties
- (i) Any other taxes levies or charges appropriate to local Government or any delictual, contractual or other claims against debtors.

“Municipality” means the Moses Kotane Local Municipality and the area under its jurisdiction.

“Occupier” means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies.

“Owner” means-

- (a) the registered owner of premises in terms of the Deeds Registries Act, 1937(Act 47 of 1937) or the person in whom from time to time is vested the legal title to

premises or where the Municipality is unable to determine the identity of such person, then that person who is benefiting or who is likely to benefit from such premises or a building thereon;

- (b) in the case of any right in land, the lessee or the holder of the right in land concerned;
- (c) where the person in whom the legal title is vested is insolvent or deceased, or is under any form of legal disability whatsoever, then that 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;
- (d) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 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 determined by such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

“Person” means-

(a) any legal person including but not limited to:

- (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), Trust *inter vivos*, Trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 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.
- (iv) any Embassy or other foreign entity.

“Premises” includes any piece of land, the external surface boundaries of which are delineated on-

- (a) a general plan or diagram registered in terms of the Land Survey Act, 9 of 1927) or in terms of the Deeds Registry Act, 47 of 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

“Property” means:

- (a) immovable property and any building, whether moveable or immovable and any other immovable structure in or on the property or under the surface of the property, which are registered in the name of a person or entity;
- (b) a right registered against immovable property in the name of a person or entity;
- (c) a land tenure right registered in the name of a person or entity, or granted to a person in terms of legislation.

1. PURPOSE OF THE BY-LAW

The purpose of this by-law is to give effect to the municipality's credit control and debt collection policy, its implementation, enforcement and to ensure that credit control, debt collection and indigent support forms part of the financial system of the Municipality. It must ensure that the same procedures are followed for each individual case, as required by S.95 of Act, as well as s.64 of the Local Government: Municipal Financial Management Act, 2003 (No. 56 of 2003) (hereafter referred to as the MFMA).

2. RESPONSIBILITY FOR CREDIT CONTROL & DEBT COLLECTION

2.1 Supervisory Authority

The Municipality's Executive Committee must, in terms of s.99 of the Act –

2.1.1 oversee and monitor:

- 2.1.1.1 The implementation and enforcement of the Municipality's credit control and debt collection policy and any by-laws enacted; and
- 2.1.1.2 The performance of the Municipal Manager in implementing the policy and any by-laws.
- 2.1.2 When necessary, evaluate, review or adapt the policy and any by-laws, or the implementation of the policy and any such by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures; and
- 2.1.3 Report quarterly to a meeting of the Council.

2.2 Implementing Authority

The Municipal Manager must in terms of s.100 of the Act –

- 2.2.1 Implement and enforce the Municipality's credit control and debt collection policy as well as indigent support scheme and any by-laws enacted in terms of the Act;
- 2.2.2 In accordance with the credit control and debt collection policy and any such by-laws establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the Municipality; and
- 2.2.3 Report the prescribed particulars monthly to a meeting of the Executive Committee.

2.3 Unsatisfactory Levels of Indebtedness

- 2.3.1 If the level of indebtedness in a particular ward or part of the Municipality exceeds the level of the acceptable norm as determined in the Credit Control and Debt Collection Policy, the supervisory authority must, without delay, advise the councilor for that ward. The councilor concerned:
 - 2.3.1.1 Must without delay convene a meeting of the ward committee, if there is one, or convene a public meeting and report the matter to the committee or meeting for discussion and advice; and
 - 2.3.1.2 make appropriate recommendations to the supervisory authority.

3. FINANCIAL MATTERS

3.1 Service Agreement

Before a service is supplied, a consumer must enter into a contract of agreement and such contract should provide for a deposit to be paid as security.

3.2 Control over Deposits of Security

- 3.2.1 The deposit to be paid must be an amount not less than an average sum equal to two month's service levies, as calculated by the Chief Financial Officer.
- 3.2.2 After the disconnection of a service by the Municipality, an increased deposit may be required in addition to a reconnection fee.
- 3.2.3 Where the services are not readily available and the Municipality must incur additional costs to provide such services, the Municipality may require bank guarantees for the provision of municipal services.
- 3.2.4 Deposits received must be reviewed annually and a register must be maintained for this purpose. The total sum of deposits received shall constitute a short-term liability in the books of the Municipality. No interest shall accrue in favour of the

depositors thereof. Upon termination of the debtor's agreement with the Municipality, the deposit will first be offset against any outstanding balance (if any) owed to the Municipality, and the remainder thereof will be refunded to the customer.

3.3 Rendering of Accounts

3.3.1 Although the Municipality undertakes to render a monthly account for the amount due by a debtor, failure thereof shall not relieve a debtor of the obligation to pay the amount.

3.3.2. Accounts to ratepayers and users of municipal services must contain at least the following particulars:

- 3.3.2.1 The name of the Municipality
- 3.3.2.2 The name of the ratepayer / user of the service'
- 3.3.2.3 The service levies or rates in question''
- 3.3.2.4 The period allowed for the payment of services and rates;
- 3.3.2.5 The property and address in respect of which the payment is required;
- 3.3.2.6 The date before which payment must be made;
- 3.3.2.7 Any discount for early or prompt payment (if applicable);
- 3.3.2.8 Interest on late payment;
- 3.3.2.9 Consequences of non-payment;
- 3.3.2.10 Amount brought forward;
- 3.3.2.11 Consumption for the current month reflecting units consumed and cost per service
- 3.3.2.12 Total amount payable.

3.4 Actions to Secure Payment

3.4.1 The Municipality and service providers may, in addition to the normal civil legal procedures to secure payment of accounts that are in arrears, take the following actions to secure payment for municipal rates and services:

- 3.4.1.1 Termination and restriction of the provision of services; and
- 3.4.1.2 Allocating a portion of payments or pre-payment purchases to service charges' arrears or future charges.

3.5 Dishonoured Payments

Where any payments made to the Municipality is later dishonoured by the bank, the Municipality may levy such costs and administration fees against an account of the defaulting debtor in terms of the Municipality's tariff provisions. The Chief Financial Officer may, in his discretion, require a regular defaulter to pay by cash only.

3.6 Interest Charges

Interest will be charged on overdue accounts in accordance with the Council's Credit Control and Debt Collection Policy as well as the relevant legislation.

3.7 Legal Fees

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

3.8 Cost to Remind Debtors of Arrears

For any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, e-mail, letter or otherwise, that his/her payments are due, a penalty fee may be levied against the account of the debtor in terms of the municipality's tariff provisions.

3.9 Disconnection Fees

Where any service is disconnected as a result of non-compliance with this by-law by the customer, the Municipality shall be entitled to levy and recover the standard disconnection fee, as determined by the Municipality from time to time, from the user of the services.

3.10 Accounts Administration

- 3.10.1 In terms of s.64(2)(e) MFMA, the Municipality must maintain a management, accounting and informal system which recognizes revenue when earned, accounts for debtors and accounts for the receipt of all revenue collected.
- 3.10.2 Consolidate any separate accounts of persons liable for payments to the Municipality;
- 3.10.3 Credit any payment by such a person against any account of that person; and
- 3.10.4 Implement any of the debt collection and credit control measures provided for in this by-law in respect of any arrears on any of the accounts of such a customer.

3.11 Power to Restrict or Disconnect Supply of Services

- 3.11.1 The Municipality may restrict or disconnect the supply of water and electricity or discontinue any other service to any premises whenever a user of any service:

- 3.11.1.1 Fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any arrear amount for services, rates or taxes;
- 3.11.1.2 Fails to comply with a condition of supply imposed by the municipality;
- 3.11.1.3 Obstructs the efficient supply of electricity, water or any other municipal services to another customer;
- 3.11.1.4 Supplies such municipal service to a person who is not entitled thereto or permits such service to continue;
- 3.11.1.5 Causes a situation which in the opinion of the municipality is dangerous or a contravention of relevant legislation;
- 3.11.1.6 Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, Act No. 24 of 1936; and
- 3.11.1.7 If an administration order is granted in terms of section 74 of the Magistrates Court Act, Act No. 32 of 1944 in respect of such user.
- 3.11.2 The Municipality shall reconnect and or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid in full or any other condition or conditions of this Policy as it may deem fit have been complied with.
- 3.11.3 The right to restrict, disconnect or terminate service due to non-payment shall be in respect of any service rendered by the Municipality and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and shall prevail notwithstanding the fact that the person who entered into agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.

3.12 Full and Final Settlement of an Amount

- 3.12.1 The Chief Financial Officer shall be at liberty to appropriate monies received in respect of any of the municipal services as he/she deems fit.
- 3.12.2 Where the exact amount due and payable to the Municipality has not been paid in full, any lesser amount tendered to and accepted by a municipal employee, except where the Chief Financial Officer and/or his/her fully authorized delegate consents thereto, shall not be deemed to be in final settlement of such an amount.

3.12.3 The provisions above shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full settlement.

3.12.4 The Chief Financial Officer and/or his/her delegate shall consent to the acceptance of such a lesser amount in full and final settlement, in writing.

3.13 Arrangement to Pay Outstanding and Due Amounts in Consecutive Installments

3.13.1 A debtor may enter into a written agreement with the Municipality to repay any outstanding and due amounts to the Municipality under the following conditions:

3.13.1.1 The outstanding balance, costs and any interest thereon shall be consolidated and an amount paid in regular and consecutive monthly installments, not exceeding a period of 24 months;

3.13.1.2 The subsequent current monthly amounts must be paid in full; and

3.13.1.3 The written agreement has to be signed on behalf of the Municipality by the Chief Financial Officer or his/her duly authorized delegate.

3.13.2 In order to determine monthly installments, a comprehensive statement of assets and liabilities of the debtor must be compiled by a treasury official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the consumer, taking into account that subsequent payment of the monthly current accounts is a prerequisite for concluding an arrangement. The main aim of an agreement will be to promote full payment of the current account and to address the arrears on a consistent basis.

3.13.3 Should any dispute arise as to the amount owing by a consumer in respect of municipal services the consumer shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal debits 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 the Municipality.

3.14 Interest on Arrears

The Chief Financial Officer may, as part of an incentive scheme, authorise that as soon as an agreement to repay arrears has been concluded the amount in arrears will be placed into a suspense account and no further interest will be levied. As long as the agreement is honored no further interest will be added. In case of default the suspended amount will be reversed and interest will again be levied from date of default.

3.15 Reconnection of Services

The Chief Financial Officer or his/her duly authorized delegate shall authorise the reconnection of services or reinstatement of service delivery after satisfactory payment and/or arrangement for payment has been made according to the Policy.

3.16 Prima Facie Evidence

A certificate reflecting the amount in arrears and payable to the Municipality shall upon mere production thereof be accepted by any Court of Law as prima facie evidence of the indebtedness.

4. PERSONNEL AND FINANCIAL IMPLICATIONS

- 4.1 Where a credit control and debt collection function does not exist, this implies that a dedicated structure be established with a credit control officer in charge. In view of the fact that credit control and debt collection must always be able to operate in isolation to any customer management service, it is imperative that a staff establishment for this function be implemented.
- 4.2 The establishment of a credit control and debt collection division will have to be financed from the operating budget, which will have an incremental impact on the budget. However, this will be offset by improved cash inflow as a result of an efficient collection system.

5. FRAUD, TAMPERING AND OTHER CRIMINAL ACTIVITY

- 5.1 The Municipality may not interfere where criminal activity is evident. The legal penalties and criminal justice system may not be subject to conflicting resolutions by the municipality. All such cases must be prosecuted to the fullest extent of the law.
- 5.2 The Municipality may not supply water or electricity to a customer who is found guilty of/ or if it is admitted that fraud, theft or any other criminal action involving the use of these services existed, until the total costs, penalties, other fees and tariffs and rates due to the municipality have been paid in full.
- 5.3 All charges to rectify any tampering with municipal services, service charges, call fees and other related tampering charges must be paid in full before arrangements can be made for other debts on the account.

6. AGENTS, ATTORNEYS AND OTHER COLLECTION AGENTS

- 6.1 All external agents acting on behalf of the Municipality are to be named, together with their details and contact information. Likewise, all agents are to be supplied with a copy of the credit control and debt collection Policy, the by-law and other relevant measures.
- 6.2 Clear instructions to agents and other arrangements must be explained for the customers' benefit. Under no circumstances may agents negotiate terms, extend payment periods or accept cash on behalf of municipality, unless specifically instructed in writing to do so. The agent must produce this instruction on request by consumers.
- 6.2 The costs to the Municipality and to the debtor must be detailed for each stage of the credit control and debt collection measures and for all possible actions. The liability for the costs of legal action and other credit control actions must be for the account of the debtor.

7. CREDIT CONTROL POLICY TO BE APPLIED FOR INDIGENT HOUSEHOLDS (See Councils' Indigent Support Policy)

7.1 Purpose of Policy

- 7.1.1 The key purpose of an indigent support policy is to ensure that indigent households are not denied a reasonable service, and on the other hand, the municipality is not financially burdened with non-payment of services: Provided that sufficient budgetary provision exists, the indigent support policy should remain intact.
- 7.1.2 To achieve this purpose it is important to set a fair threshold level, and then to provide a fair subsidy of tariffs. The consumer, in order to qualify for indigency, needs to complete the prescribed documentation as required.

7.2 Aims of the Policy

- 7.2.1 The credit control and debt collection policy aims to achieve the following:
 - 7.2.1.1 To distinguish between persons who can and those who genuinely cannot pay for services;
 - 7.2.1.2 To let persons who cannot pay register with the municipality so that the services rendered to them can be subsidized;
 - 7.2.1.3 To enable the municipality to determine and identify defaulters in order to ensure appropriate credit control procedures;

7.2.1.4 To establish an indigent directory of all persons who qualify therefore

7.3 Obligation to Pay

The subsidy received may not be enough to cover the full account of the subsidized consumer. In such an event, the consumer is still responsible for the balance between the full account and the subsidy received. Where applicable, credit control must still be applied for these outstanding amounts.

8. CREDIT CONTROL AND DEBT COLLECTION RULES FOR SERVICE CHARGES

- 8.1 Where consumers fail to pay their service accounts by the 7th of the month, following the date of the account, the following actions will be taken:
- 8.1.1 Final notices/accounts may be delivered or posted after the final date of payment. The final notice/account will contain a note that the client may arrange to pay the outstanding balance in terms of the Credit Control and Debt Collection Policy. Information that this account constitutes a final notice and failure to settle the account on the due date will lead to disconnection of services at any date thereafter, without further notice, must however form an integral part of such account.
 - 8.1.2 An Acknowledgement of Debt must be completed in respect of all arrangements for paying off arrear accounts. A copy must be handed to the consumer.
 - 8.1.3 Debit orders may be completed for the monthly payment of an agreed amount or at least the current amount, as far as possible. If the arrangement is dishonoured, the full balances will immediately become due and payable.
 - 8.1.4 Only account holders with positive proof of identity or an authorized agent with a Power of Attorney will be allowed to complete an Acknowledgement of Debt.
 - 8.1.5 Where cheques are returned, "Refer to Drawer" after an arrangement has been made, the full balance will immediately become payable. Services supply to such clients will immediately be disconnected until the full amount is paid in cash or per bank guaranteed cheque. The Chief Financial Officer, in his discretion, may require a defaulter to pay in cash.
 - 8.1.6 No person will be allowed to enter into a second agreement if the first agreement was dishonoured, except in special cases of merit as authorized by the Chief Financial Officer.

- 8.1.7 Where arrangements were not made and service supply is disconnected due to non-payment, it will be restored only upon payment of the full outstanding balance or signing of an Acknowledgement of Debt on merit.
- 8.1.8 Merit cases, where special circumstances prevail, must be treated individually and could amongst others include the following categories:
 - (a) Deceased estates
 - (b) Liquidated companies
 - (c) Private persons under administration
 - (d) Outstanding enquiries on accounts, for example, misallocated payments, water leaks, journals, incorrect levies, etc.
 - (e) Certain categories of Pensioners
 - (f) Any other cases not mentioned which can be regarded as merit cases due to circumstances.
- 8.1.9 Further extension for payment of arrears in respect of merit cases should preferably not exceed 60 months (5 years) or any other period in the discretion of the Chief Financial Officer.
- 8.1.10 Only the Chief Financial Officer may agree to such merit extensions and these must be supported by documentary proof: Defaulters previous payment record will be taken into consideration.
- 8.1.11 When disconnection of service supply takes place due to non-payment, the consumer's deposit will be adjusted within the discretion of the Chief Financial Officer or his delegate.
- 8.1.12 New consumer deposits for business and industrial customers must be re-assessed three months after the initial deposit date.
- 8.1.13 All other business and industrial deposits will be reviewed annually.
- 8.1.14 Where the consumer has not entered into a service agreement with the Municipality, services will be disconnected until such time as a service agreement has been signed and the applicable deposits paid.
- 8.1.15 Where service supply has been disconnected erroneously a written apology will be dispatched within seven working days.
- 8.1.16 Where services are illegally restored legal action will be taken.
- 8.1.17 Where service amounts remain outstanding or unpaid for more than two months, without response, the account will be handed over to debt collectors for the collection and/or for legal action to the Council's Attorneys and may be listed at the Information Trust Corporation.

- 8.1.18 Such clients will have to make further arrangements with the attorneys and/or the debt collectors for payment of the arrear amounts. Current monthly accounts must however be paid directly to the Municipality.
- 8.1.19 Once an account has been handed over for collection, the case will not be withdrawn unless there was a mistake or oversight on the part of the Municipality.
- 8.1.20 Services shall not be supplied if the consumer's account is not paid in full or satisfactory arrangements in terms of this Policy have been made and honored.
- 8.1.21 After installation of a prepaid meter, water and/or electricity shall not be sold to consumers, unless the full amount on the consumers account has been paid or an agreement for the settlement of arrears has been concluded, a service agreement entered into, connection fees and the applicable deposits paid, in term of this Policy.

9. CREDIT CONTROL AND DEBT COLLECTION RULES FOR ASSESSMENT RATES AND UNMETERED PROPERTIES

- 9.1 Where consumers fail to pay their accounts in respect of assessment rates and unmetered properties by the due date of every month, the following actions will be taken:
 - 9.1.1 Final notices/accounts will be posted or delivered where accounts are in arrears for 60 days (2 months) or more. The final notice/account will contain a note that the client may arrange to pay the outstanding balance in terms of this by-law. Information that this account constitutes a final notice and failure to settle the account on the due date will lead to disconnection of services where applicable and any date thereafter, without further notice, must however form an integral part of the account. In the case of assessment rates the defaulter must be advised that the Council intends instituting legal process which could lead to his/her property being sold in execution.
 - 9.1.2 The same procedure in respect of arrangements for paying off of arrears or extension of payments as for services will apply.
 - 9.1.3 If no response has been received within 14 days after the final account had been sent, those accounts still outstanding will be handed over to debt collectors for collection and/or for legal action to the Attorneys and will be listed at the Information Trust Corporation.
 - 9.1.4 Where an account remains unpaid on a property that is unmetered, the above procedures will also apply.

- 9.1.5 As part of the legal actions involved to collect outstanding taxes, Council's Attorneys may obtain an attachment order on the applicable property on behalf of the Municipality only after having received written instruction in this regard from the Chief Financial Officer.

10. OFFENCES

A person who -

- (a) fails to give the access required by an official or representative of the Municipality in terms of this by-law;
- (b) obstructs or hinders an official or representative of the Municipality in the exercise of his or her powers or performance of functions or duties under this by-law;
- (c) illegally uses or interferes with municipal services equipment or illegally consumes municipal services;
- (d) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason causes a meter not to properly register the service consumption, shall be charged for usage, estimated by the Chief Financial Officer based on average usage;
- (d) fails or refuses to give an official or representative of the Municipality such information as he or she may reasonably require for the purpose of exercising his or her powers or functions under this by-law or gives such an official or representative false or misleading information knowing it to be false or misleading;
- (e) contravenes or fails to comply with a provision of this by-law;
- (f) fails to comply with the terms of a notice served upon him or her in terms of this by-law;

shall be guilty of an offence and liable upon conviction to a period not exceeding six months of community service or a fine not exceeding R10 000 (Ten Thousand Rand), or a combination of the aforementioned.

11. CONFLICTING BY-LAWS

If there is any conflict between this by-law and any other by-laws of the Municipality, this by-law will prevail.

LOCAL AUTHORITY NOTICE 99**MOSES KOTANE LOCAL MUNICIPALITY****TARIFFS BY-LAW**

This By-Law is made in terms of Section 75 of the Local Government: Municipal Systems Act, Act No. 32 of 2000, to give effect to the implementation and enforcement of its tariff policy and the following are hereby enacted:

1. PURPOSE AND APPLICATION OF THIS BY-LAW

The purpose of this By-Law is to give effect to the requirements of Section 74(1) of the Municipal Systems Act (MSA) regarding the tariffs, fees and charges by the Moses Kotane Local Municipality and shall apply to all tariff structures to be enumerated on an annual basis in Schedule "A" hereof in order to render the municipal services needed by its community.

Schedule "A" contains the differentiation between different categories of users, debtors, service providers, services, service standards and geographical areas.

2. EMPOWERMENT TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS

2.1 The Municipality is empowered in terms of Section 75A (Municipal Systems Act) to –

2.1.1 Levy and recover fees, charges and tariffs in respect of any function or service it may render; and

- 2.1.2 Recover collection charges and interest on any outstanding amounts.
- 2.2 The Municipality may provide the services to consumers/users at fees set out in the attached schedule of fees, determined by the Municipality.
- 2.3 Services provided by the Municipality must be paid for by the consumer/user at the prescribed fees for the particular category of services provided.

3. CORE ELEMENTS OR PRINCIPLES

- 3.1 In terms of Section 74(2) of the MSA the Municipality must ensure that:
 - 3.1.1 the consumers/users of municipal services are treated equitably in the application of tariffs
 - 3.1.2 the amount individual consumer/users pay for services are generally in proportion to their use of that service;
 - 3.1.3 poor households have access to at least basic services through
 - (i) Tariffs that cover only operating and maintenance costs,
 - (ii) Special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - (iii) Any other direct or indirect method of subsidization of tariffs for poor households;
 - 3.1.4 Tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
 - 3.1.5 Tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidization from sources other than the service concerned;
 - 3.1.6 Provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
 - 3.1.7 Provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users
 - 3.1.8 The economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;

- 3.1.9 The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.
- 3.2 In terms of Section 74 (3) of the MSA, the Municipality may differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.
- 3.3 Once the Municipality has approved a tariff policy, it must adopt a by-law to give effect to the implementation and enforcement of its tariff policy.

4. ACCESS TO SERVICES AND REQUIREMENTS TO BE TAKEN INTO ACCOUNT IN DETERMINING TARIFFS

4.1 Basic Municipal Services

- 4.1.1 The municipality must heed its first and foremost duty to ensure that all residents and communities within its boundaries have basic municipal services as required by the Constitution of the RSA.
- 4.1.2 In order to acquit itself of the task set in 3.1, the municipality should utilize its resources as effectively, efficiently and economically as possible to create a financially sustainable capacity within which to operate and therefore regular reviews and analysis of this aspect must be done by all the municipal departments and the necessary adjustments or revisions done timeously to prevent financial risk or incapacity.

4.2 Municipal Services to be financially sustainable

- 4.2.1 The MSA requires that a municipality must render its services in a *financially sustainable* manner. In order to do this, municipal services are to be provided in a manner that is likely to ensure that revenue from that service is sufficient to cover the cost of –
 - 4.2.1.1 The initial capital expenditure required for the service;
 - 4.2.1.2 operating the service; and
 - 4.2.1.3 Maintaining, repairing and replacing the physical assets used in the performance of the service;
 - 4.2.1.4 Is likely to ensure a reasonable surplus in the case of a service performed by the Municipality itself; or a reasonable profit, in the case of a service performed by a service provider, other than the Municipality itself;

- 4.2.1.5 Is likely to enable the Municipality or other service provider to obtain sufficient capital requirements for the performance of the service; and
- 4.2.1.5 Takes account of the current and anticipated future:
 - 4.2.1.5.1 Level and quality of that service;
 - 4.2.1.5.2 Demand for the service; and
 - 4.2.1.5.3 Ability and willingness of residents to pay for the service.
- 4.2.2 However, regard must be had in respect of the municipality's indigent households that should have access to at least the basic services through –
 - 4.2.2.1 Tariffs that cover only operating and maintenance costs;
 - 4.2.2.2 Special tariffs or life line tariffs for low level use or consumption of services or for basic levels of service; or
 - 4.2.2.3 Any other direct or indirect method of subsidization of tariffs for poor households; and
 - 4.2.2.4 Adherence to the municipality's indigent support scheme.
- 4.2.3 When determining tariffs the municipality must ensure that users of municipal services are treated equitably in the application of tariffs and that the amount payable by them are generally in proportion to their use of that service.
- 4.2.4 Notwithstanding severe financial constraints, a municipality should, as far as possible, take the affordability of the service to its various categories of users into account.
- 4.2.5 Before introducing a tariff for any municipal service, or when the tariffs are reviewed annually, the tariffs of surrounding municipalities (especially those of similar size) should be obtained and analysed to retain a degree of competitiveness and affordability amongst municipalities.
- 4.2.6 Where a municipal service is provided by an external service provider, the municipality must ensure that any agreement for the provision of such a service shall contain a clause entitling it to control the setting and adjustment of tariffs to be charged by such a service provider for the rendering of that particular service so that the municipality does not suffer a loss in the service provided.

5. EXCEPTIONAL ARRANGEMENTS IN DETERMINING TARIFFS

5.1 Discount for timeous payment of municipal accounts

Should the Municipality decide to give discount to users of municipal services for timeous payment of their accounts, provision for this circumstance must be made in the annual revenue budget.

5.2 Exemption from payment of interest on arrear accounts

Similarly, if the Municipality should decide to exempt a user who is in arrears with his/her account and who successfully negotiates an agreement to repay such arrears in accordance with the municipality's Credit Control and Debt Collection Policy, from payment of any further interest, allowance for such instances must be made in the annual revenue budget.

5.3 Commercial, Industrial and Business Users

While the general principle in determining tariffs is usually that users in the commercial, industrial and business sectors pay a higher rate in tariffs, the Municipality may decide, in the interest of obtaining further economic development within its boundaries, to determine special tariffs and rates in respect of certain services for certain categories of commercial, industrial or business users.

5.4 Municipal Services in Special Circumstances

In circumstances where the installation of monitoring systems of municipal services are exorbitant due to geographical, geological or soil conditions existing within certain areas, the Municipality may decide to render such services at a higher tariff to cover the costs connected therewith.

Schedule "A"

MOSES KOTANE LOCAL MUNICIPALITY

DETERMINATION OF TARIFFS - FINANCIAL YEAR

Notice is hereby given that in terms of section 75 A of the Local Government: Municipal Systems Act, Act 32 of 2000, the following tariffs have been determined by resolution of the Municipal Council with effect from 6 July 20....

1) Refuse removal Tariffs

Residential

R..... per container per month (Plus VAT)

Businesses, Schools and Industries

R..... per container per month (Plus VAT)

Dumping of refuse at the Municipal Waste Disposal Sites

Domestic Waste per ton	R (Plus VAT)
Industrial Waste per ton	R (Plus VAT)
Green Waste per ton	R (Plus VAT)
Tyres (per tyre)	R (Plus VAT)

2) Sewerage Tariffs

Residential

R..... per stand or per dwelling unit in the event of more than one dwelling unit per stand per month (Plus VAT)

Businesses

R..... per stand per month (Plus VAT)

Industries, Institutional Bodies, Prisons, Business Complexes and Schools

R..... per kl, based on 60% of the registered water consumption (Plus VAT)

Decanting of raw sewerage

R for every 5kl (Plus VAT)

3) Water Provision Tariffs**Domestic Consumers**

0 to 6 kilolitre

Free of charge

6.1 kl to 45 kilolitre

R..... per kilolitre per month (Plus VAT)

45.1 kl and above

R..... per kilolitre per month (Plus VAT)

Small Business and State Department Consumers

0 to 45 kl

R..... per kilolitre per month (Plus VAT)

45,1 kl and above

R..... per kilolitre per month (Plus VAT)

Bulk Consumers

Sun City

R..... per kiloliter per month (Plus VAT)

Industrial and Large Consumers

A.E.C.I, Military Base, University, Prison, Airport, Ostrich farms, Manyane Resort, Bakgatla Resort, Bakubung Lodge, Kwa-Maritane Resort, Ivory and other Resorts, Mines, Hospitals, Sun Village and other consumers not included in Domestic consumers: R..... per kilolitre per month (Plus VAT).

Water Connection Charges

New Connections: The actual cost of materials and labour plus a surcharge of 15% (Plus VAT).

The cost of a new connection is calculated from the nearest supply line to a maximum distance of 20 meters.

Disconnection Charges:	R (Plus VAT)
Re-connection Charges:	R (Plus VAT)

4) Machinery and Equipment Hire

Hiring of Front-end loader per hour	R (Plus VAT)
Hiring of Bulldozer per hour	R (Plus VAT)
Hiring of TLB per hour	R (Plus VAT)
Hiring of Grader per hour	R (Plus VAT)
Hiring of Vibrating Roller per hour	R (Plus VAT)
Hiring of Low Bed per kilometer	R (Plus VAT)
Hiring of Tipper Truck per kilometer	R (Plus VAT)
Hiring of Small Vibrating Roller per hour	R (Plus VAT)

5) Rental of Halls, Parks, Swimming Pools and Sports Facilities

Community Halls	R (Plus VAT)
Public Parks	R (Plus VAT)
Swimming Pools Children under 12	R (Plus VAT) - - - .
Adults	R (Plus VAT)
Sports Facilities	R (Plus VAT)

6) Rental of Advertising Facilities

Street Lamp Poles (Per day)	R (Plus VAT)
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7) Town Planning Fees

Approval of Building Plans:

Inspection Fee	R (Plus VAT)
Plan of 20m ²	R (Plus VAT)
Every additional 10m ² or part	R (Plus VAT)
Boundary Walls & Extensions	R (Plus VAT)
Relaxation of Building Line/Side Space	R (Plus VAT)
Special/Written consent of Council	R (Plus VAT)
Second Dwelling Application	R (Plus VAT)

Subdivision Application:

5 portions or less	R (Plus VAT)
Per portion over 5 portions	R (Plus VAT)
Consolidation Application	R (Plus VAT)
Rezoning Application	R (Plus VAT)
Township Establishment	R (Plus VAT)
Site Development Plan	R (Plus VAT)
Removal of Restriction	R (Plus VAT)
Extension of Township	R (Plus VAT)
Simultaneous removal of restriction and Rezoning	R (Plus VAT)
Division of Land Ordinance 20 of 1986	R (Plus VAT)
Relaxation of servitude i.t.o.	
Town Planning Scheme	R (Plus VAT)
Zoning Certificate	R (Plus VAT)
Copies of Title Deed	R (Plus VAT)
Application for Cellphone Mast	R (Plus VAT)
Copy of Town Planning Scheme	R (Plus VAT)

8) Valuation and Clearance Certificates

Issue of certificate	R (Plus VAT)
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9) Sundry Charges

Photocopy per A4 page	R (Plus VAT)
Photocopy per A3 page	R (Plus VAT)

10) Indigent and Pensioner Subsidies**Property Rates**

A% rebate on property rates will be granted to registered indigent households, pensioners and physically / mentally disabled persons where the combined household income does not exceed R per month.

Municipal Services

A subsidy of kWh electricity per household per month will be granted to an indigent household in terms of the Electricity Basic Services Support Tariff (EBSST) as published in Government Gazette.

A subsidy of kilolitres of water per household per month will be granted to all residential consumers as per Council Policy.

A% rebate on refuse, sewerage and other municipal service charges will be granted to registered indigent households, pensioners and physically / mentally disabled persons where the combined household income does not exceed R per month.

The subsidies mentioned above will only be applicable to qualifying households registered as indigent, as pensioners or as physically / mentally disabled persons in terms of the approved Indigent Policy, Property Rates Policy and Tariff Policy of Council.

11) General

The amounts due for refuse, sewerage and water shall become due and payable on 6 July 20.... (the fixed date) and must be paid at the end of each calendar month during the financial year.

Interest of per cent per annum is chargeable on all amounts in arrear after the fixed date or dates and defaulters are liable to restriction of supply and legal proceedings for recovery of such arrear amounts.

The determination of tariffs is open for public inspection for 30 days after the date of publication of this notice. Any person who desires to object to the determination shall do so in writing within 14 days after the date of publication of this notice.

Assistance will be given to persons who cannot read or write to lodge a complaint if so desired.

MR/S.
MUNICIPAL MANAGER

CIVIC CENTRE
Private Bag X1011
MOGWASE
0314

LOCAL AUTHORITY NOTICE 100

MOSES KOTANE LOCAL MUNICIPALITY



BY-LAW RELATING TO ADVERTISING

The Moses Kotane Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

For the purpose of these bylaws, unless the context otherwise indicates:

“advertisement” means any audible or visible representation of a word, name letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event or activity of whatever nature, on or visible from a public road;

“advertising vehicle” means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

“aerial advertisement” means any advertisement displayed or made in the air by the use of aeroplanes, kites balloons, rockets, fireworks, microlights or by any other means;

“applicant” means the occupier of premises by whom an application for permission to retain or to erect a sign or display an advertisement on such premises is made in terms of bylaw 4;

“Authorised Officer” means an official authorised by resolution of the Municipality to administer these bylaws;

“clear height” in relation to a sign means the vertical distance between the lowest edge of such sign and the level of the round, footway or roadway immediately below such sign;

“depth” in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign;

“directional” in relation to any advertisement or part thereof means that such advertisement or part thereof means that such advertisement or part conveys only the name and, in words, the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears;

“display” in relation to an advertisement includes the production of an audible sound and

“to display” has an equivalent meaning;

“display window” means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place;

“electric advertisement” means an advertisement in which electric current is used;

“election advertisement” means any advertisement or advertising apparatus which is visible from a street in any way whatsoever, and which is displayed in connection with a parliamentary or municipal election or by-election or referendum;

“fascia advertisement” means an advertisement which is directly displayed or painted on the front of a canopy or veranda beam;

“fascia sign” means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or veranda beam;

“flashing advertisement” means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason;

“ground sign” means a sign not attached to a building or wall but erected on the ground in any manner whatsoever or attached to any pole, pylon, screen, fence or hoarding;

“illuminated advertisement” means an advertisement which is at any time artificially illuminated by any means whatsoever and which is either supported directly with electrical current or is otherwise made luminous;

“length” means the horizontal measurement of a sign from one end to the other;

“Municipality” means the Moses Kotane Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“national advertising” is advertising that aims at the creation or maintenance of consumer demand through the promotion of a product or service on a national scale, such product or service available in each of the nine provinces;

“overall height” in relation to a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

“pamphlet” means any pamphlet, hand brochure or book, the object of which is to advertise or to introduce anything;

“pointer board” means an advertisement displayed on a sign which is erected on property belonging to or vested in the Municipality and which displays only the name of the selling agent, the words “show house” or “open house” or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the Authorised Officer may approve;

“projection sign” means a sign affixed to a building the whole of which sign projects more than 300mm from such building and which is not a sky sign;

“return wall” means any external wall of a building, or any other wall, which faces any boundary, other than a street line, of the premises upon which such wall is situated;

“road verge” means the section between the boundary of the property and the roadway of any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land in respect of which the public have acquired a prescriptive or other right of way, and any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1996 (Act 93 of 1996), shall have that meaning;

“selling agent” means any person who offers property for sale on his behalf or on behalf of another;

“sign” means any signboard, structure, device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which and advertisement is painted, written or projected;

“sky sign” means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building;

“street” excludes an arcade which is wholly within one or more buildings;

“thickness” means the horizontal dimension measured through a sign at right angles to the length;

“under-canopy sign” means a sign suspended or attach under a canopy or veranda;

“wall sign” means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building.

2. Approvals required

Advertisements and signs for which approval is required:

Subject to the provisions of these bylaws no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any advertisement or sign which is visible from, or which in the case of an audio advertisement can be heard in any street or public place except under and in accordance with the written permission of the Municipal Manager.

3. Exempted advertisements and signs

The provisions of this bylaw shall not apply to:

(a) any advertisement or sign which is displayed or erected:

(i) outside the registered office and every office or place of business of a company as required by section 50(1)(a) of the Companies Act, 1973 (Act 61 of 1973), and which bears the name only of such company;

(ii) on the outside door of the office and every office or place of business of a co-operative society or company, in terms of section 41 of the Co-operatives Act, 1981 (Act 91 of 1981) and which bears only the name of such society or company and a statement that it is registered in terms of the said Act;

(iii) at or over or near to the main entrance to any premises in respect of which a licence to carry on any business has been issued, and which bears only the name under which the business is carried on; or

(iv) outside the offices of accountants, actuaries, advocates, architects, attorneys, consulting engineers, conveyancers, dentists, medical practitioners, notaries, surveyors, veterinarians or other persons rendering services of a professional nature, on which only the name of a person or partnership and the nature of the profession is reflected. Provided that:

(aa) no such advertisement or sign shall exceed 0,4m² in area or project more than 50mm from the building or beyond the street line at the point at which it is fixed;

(bb) any two or more such advertisements or signs outside the office or place of business of a company shall be collectively placed and neatly arranged at the entrance to the premises; and

(cc) any two or more such advertisements or signs outside premises occupied by persons carrying on any of the professions referred to in subparagraph (iv) above shall be collectively placed and neatly arranged at the entrance to the premises.

(b) any advertisement or sign (other than an illuminated advertisement or sign), displayed in or erected in the interior of a building or displayed on a vehicle other than an advertising vehicle, book, newspaper, magazine or similar publication or which relates solely to the sale of any such publication;

(c) any advertisement which is displayed on the inside or outside surface of a display window, other than an illuminated advertisement;

(d) any advertisement not exceeding 2m by 1,5m in size advertising the sale or lease of premises which is displayed within the curtilage of the premises to be sold or leased or which does not project beyond the boundary of such premises by more than 100mm and is parallel to the street frontage; provided that such advertisement is limited to one per street frontage of the premises and is not displayed above or on the top of a canopy, and further provided that the dimensions of any such advertisement which relates to a dwelling house do not exceed 1,5m by 1m;

(e) any builder's board not exceeding 4m² in an area which is displayed on or within the curtilage of premises where building work, excavation work or pile-driving is in progress; provided that such board only be placed facing the main street frontage of such premises;

(f) any advertisement relating to an election, unless displayed in a street or public place or on other property of the Municipality, whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 14,4(iv), (vii) and (viii) where applicable and section 14,6 to 14,9 shall *mutatis mutandis* apply;

(g) any advertisement relating to any meeting, event or function for religious, educational, cultural, charitable, social, sporting or civic purposes unless displayed in a street or public place or on other

property of the Municipality, whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 14,4(iv), (vii) and (viii) where applicable and section 14,6 to 14,9 shall *mutatis mutandis* apply;

(h) any advertisement displayed for the purpose of a “non-profitable” public celebration, festival or festivity either for the period commencing two weeks prior to the holding of such celebration, festival or festivity and ending on the third day following the date of the termination thereof, or for a period of three months, whichever is the shorter, provided that such advertisement is maintained, in the opinion of the Authorised Officer, in a safe, neat and tidy condition;

(i) any advertisement displayed on a portable board, which does not exceed one metre by 600mm in size, and stands within the curtilage of premises, provided that no such advertisement shall be displayed between the hours of 18:00 and 06:00;

(j) any non-illuminated notice not exceeding 0,5m² in area over a maximum length of 2,0m which does not project over a public street or place and which serves solely to convey a warning or direction in relation to the premises or to identify the use for which portion of the premises is reserved, and the only advertising content on which notice serves merely to identify the person or body for which such portion is reserved in relation to that use; and

(k) a flagpole used solely for the display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country;

(l) welfare organisations may apply for the display of advertisement boards or banners and if granted these organisations may be exempted from the conditions applicable to payment for such advertisements.

Advertising signs shall be subject to the general rules regarding such advertisements as applicable in terms of this bylaw.

(m) Festivities and events in which the Municipality is an active participant and in respect of which exemption has been granted by resolution of the Council.

4. Application procedure

4.1 Every person intending to display, erect, alter or maintain any advertisement or sign for which the prior written permission of the Authorised Officer is required other than a sign to which bylaw 13 applies, shall apply for such permission on forms obtainable from the office of the Authorised Officer. Such forms shall be completed in every particular in duplicate, and shall be dated and signed by the applicant, who shall be the occupier of the premises on which such advertisement or sign is or is or is to be located.

4.2 Save as is provided in sub-bylaw 4.3 every such application shall be accompanied by:

(a) full particulars of the dimensions of such advertisement or sign and its location on a building or of any other supporting structure, the materials of construction, the name and address of the person or contractor displaying or erecting the advertisement or sign, the name and address of the manufacturer and, where applicable, full electrical details in regard thereto;

(b) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise:

(i) a block plan indicating the position of such advertisement or sign on the premises, drawn to a minimum scale of 1:500;

(ii) full detailed dimensioned drawings, drawn to a scale of not less than 1:20 showing the full text, lettering detail, colour, material, construction and method of attachment or suspension of the advertisement or sign;

(iii) a plan with elevations and sections to a scale of 1:100 showing the position of such advertisement or sign and its relationship to the premises and architectural features of any building, as well as to any existing advertisements or signs on the premises or any premises adjoining thereto;

Provided that:

(aa) in the case of a large building, the Authorised Officer may, in his discretion accept a drawing which shows only the portion of the elevation of the building on which such advertisement or sign is to be displayed or erected, in which case the entire elevation shall be indicated diagrammatically thereon, and a photograph of such elevation not less in size than 110mm x 85mm, shall be supplied showing clearly all existing signs thereon;

(bb) in the case where due to some special circumstance, a drawing of the elevation may be difficult to provide, the Authorised Officer may, in his discretion, accept a large photograph clearly showing the elevation with all existing signs in relation to the proposed advertisement and sign, and including details of same as required under subparagraph (a);

(cc) in the case of a painted or non-illuminated advertisement on a wall sign or on a fascia sign whose superficial area does not exceed 1,0m², the Authorised Officer may, in his discretion, accept an application which complies with the requirements of sub-bylaw 4.1 and paragraph (a) and (f) of this sub-bylaw and which is accompanied by a photograph measuring not less than 200mm x 250mm which clearly shows the elevation of the building with all existing signs in relation to the proposed advertisement and sign as indicated thereon, together with a

sketch of such advertisement and sign indicating their dimensions, colours and the advertising content thereof;

(c) a clear photograph of the premises with the proposed advertisement or sign sketched thereon;

(d) such other drawings or photographs as are necessary, in the opinion of the Authorised Officer, to explain the true nature and scope of the application; in the case of a projecting sign, sky sign or ground sign, details regarding the size and material of all members of the supporting framework and of the anchorages and, if required by the Authorised Officer, full details of the basic assumptions used and the calculations made in the design of such sign and its supporting structure for the purpose of ensuring its stability as a whole; and

(e) the fee prescribed in terms of Municipality Tariff of Charges.

4.3 The provisions of sub-bylaw 4(2) may be waived by the Authorised Officer in respect of applications for permission to display advertisement or erect signs made in terms of bylaw 14 and to display aerial advertisements made in terms of bylaw 5.

4.4 (a) The Authorised Officer may refuse an application made in terms of sub-bylaw 4.1 or may grant it subject to such conditions, not inconsistent with provisions of these bylaws, as he may deem proper.

(b) Every advertisement or sign displayed or erected under these bylaws shall be deemed to be at the pleasure of the Municipality, and the owner or person having possession or control thereof shall remove any advertisement or sign within thirty days after receiving from the Authorised Officer a written notice requiring him to do so provided that, unless the Authorised Officer permission in terms of paragraph (a) of this sub-bylaw is granted for a specified lesser period and subject to the provisions of paragraph (g) below, no such notice shall be given until the expiry of one year from the date of permission, in the case of a ground

sign, two and a half years in the case of an advertisement applied to any surface by means of paint and of five years in the case of any illuminated advertisement or sign.

(c) Any applications which has been referred back to the applicant for amendment, shall be resubmitted within two months of the referral notice failing which the application shall lapse.

(d) Permission granted in terms of paragraph (a) is granted to the applicant only and shall lapse if he ceases to occupy the premises or to conduct the industry, trade, business, undertaking or activity to which the advertisement or sign relates; provided that the permission may on application to the Authorised Officer be transferred to a person who becomes the occupier of the premises concerned and succeeds the applicant as the person conducting the said industry, trade, business, undertaking or activity if such application is made within thirty days from the date of occupation.

(e) A permission granted in terms of paragraph (a) shall lapse if the advertisement or sign is not displayed or erected within six from the date of such permission, which period may be extended by the Authorised Officer for a period not exceeding six months, on the written application of the applicant.

(f) The applicant shall, within seven days after the erection of a sign give notice thereof to the Authorised Officer on a form obtainable from him.

(g) Notwithstanding the provisions of paragraph (b) an electric or illuminated advertisement which, after erection, in the opinion of the Authorised Officer, disturbs the occupants of any other premises shall, in the written order of the Authorised Officer, be altered in such manner, or limited to such hours of operation as may be specified in such order, or removed by the applicant or if he fails to do so, by the owner of the premises within such period as the Authorised Officer may specify.

(h) The Authorised Officer shall, if so requested in writing by an applicant whose application has been refused, or whose application has been granted subject to conditions, or a person on whom an order has been served in terms of paragraphs (b) or (g), forward the relevant documents, together with a report thereon, to the Municipal Manager for consideration by the Municipality or any committee of the Municipality to which it may have delegated its powers to review the decision of the Authorised Officer. Such request shall be made within fourteen days from the date on which the applicant receives the notice advising him to the Chief Protection Service's decision or the order, as the case may be. The notice or the order shall be deemed to have been received on the third day after its despatch to the applicant or person concerned until the contrary is proved.

5. Aerial advertisements : Applications

Every application for permission to display, alter or maintain an aerial advertisement shall be accompanied by:

- (a) particulars of the aerial advertisement, including its content, dimensions, the means of display and materials of construction;
- (b) full particulars of the balloon, kite or other device by means of which the advertisement is to be displayed (in this bylaw referred to as "the aerial device", which device shall be deemed to be a sign for the purposes of these bylaws), including the materials of which it is made and the manner of construction and dimensions, as well as the method of anchorage or the tethering;
- (c) the intended location with a description of the premises to which the aerial device will be anchored or tethered;
- (d) the name and address of the person or contractor displaying the aerial advertisement and the name and address of the manufacturer of the aerial device and of its owner;

(e) the period and times of display;

(f) drawings in ink on approved, durable material, in original form or in the form of legible prints and in either case in A0, A1, A2 and A3 size comprising:

(i) dimensioned drawings to a scale of not less than 1:50 of the proposed advertisement, showing the full text and content, lettering detail, colour, method of reproduction, material and manner of attachment to the aerial device;

(ii) a block plan indicating the position of the aerial device on which the advertisement is to be displayed in relation to the premises to which it is to be anchored or tethered drawn to a minimum scale of 1:500, showing all buildings on such premises and the adjoining premises and buildings thereon, as well as street lamp, electricity and telephone poles and cables and all other structures within 30m of the proposed anchoring or tethering point;

(g) such other details, drawings or photographs as are necessary, in the opinion of the Authorised Officer, to explain the true nature and scope of the application;

(h) full details of the method of anchoring or tethering the aerial device, which shall be certified by a registered professional engineer, together with specifications of the size and materials of construction of all members of the tethering system and anchorage and, if required by the Authorised Officer, full details of the basic assumptions used and the calculations made in the design of such aerial device and its tethering or anchoring structure for the purpose of ensuring their stability and strength;

(i) the fee prescribed in the Municipality's schedule of Tariffs;

(j) where the applicant is not the owner of the premises within the boundaries of which the aerial device is to be anchored or tethered, the written consent of the owner to such anchoring or tethering;

(k) a written indemnity by the owner of the aerial device or his duly authorised agent, indemnifying the Municipality and its employees and the owners and occupants of the premises to which the device is to be anchored or tethered and of any adjoining premises as well as all other persons against damage to property and personal injury or loss of life resulting from any act or omission on the part of such owner or agent and their agents and employees, which indemnity shall be to the satisfaction of the Authorised Officer.

6. Advertising vehicles : Application

Every application for permission to erect a sign on an advertising vehicle shall be accompanied by:

(a) full particulars of the sign including the materials of which it is made and the manner of its construction and dimensions;

(b) the full names, addresses and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the Municipality's area of jurisdiction, of the person having control of the vehicle at all times;

(c) drawings either in original form in ink on linen or other approved durable material or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise a plan with elevations and sections to a scale of 1:50 showing the advertising vehicle, the supporting structure of the sign, its material and the method by which it is secured to such structure;

(d) one or more clear photographs of the advertising vehicle, if such vehicle exists, without and with the advertising sign secured thereto;

(e) a copy of the current vehicle licence and of a road-worthiness certificate (if applicable) issued in respect of such vehicle in terms of the relevant provisions of the Road Traffic Act, 1989 (Act 29 of 1989); and

(f) the prescribed fee;

(g) no advertising vehicle may be parked in the same spot on any public road for longer than 60 minutes.

7. Existing advertisements and signs

Subject to the provisions of sub-bylaws 4.4(b), 4.4(g), 11 and 12, the provisions of these bylaws shall not apply to any advertisement or sign lawfully in existence before the date of promulgation hereof for a period of 24 months from the date of such promulgation, if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the Authorised Officer in his sole discretion allows.

8. Alterations to advertisements or signs

The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign provided that the provisions of this bylaw shall not apply to any advertisement referred to in sub-bylaws 13.2(c)(iv)(bb) and (cc); provided, further, that minor alterations or changes of text may be approved by the Authorised Officer by an endorsement on the original application.

9. Contravention of the provisions of this chapter

9.1 Any person who displays an advertisement or erects a sign which does not comply with or conform to the requirements of this Chapter or who otherwise contravenes or fails to comply with any provision thereof shall be guilty of an offence and liable upon conviction to the fines

imposed by a Magistrate of the Magistrate's Court with jurisdiction in the area in which such offence was committed.

9.2 Whether or not a persecution for an offence under sub-bylaw 9.1 has been instituted, when any advertisement or sign is being displayed or has been erected:

(i) for which no permission has been granted by the Authorised Officer; or

(ii) for which the permission has expired, lapsed or been withdrawn; or

(iii) which does not conform with the particulars supplied in terms of bylaw 4.2(a); or

(iv) which does not comply with the conditions under which the Chief Protection Service's permission was granted; or

(v) which does not comply with or is contrary to any other provisions of these bylaws; the Authorised Officer may, by notice in writing served on the person who is displaying the advertisement or who has erected the sign, as the case may be, or who is causing or permitting such advertisement or sign to be displayed or erected, or the owner of the premises upon which it is being displayed or has been erected, or upon both such person and such owner, direct him or them, as the case may be, within a time to be specified in such notice, which shall not be less than fourteen days from the date on which the notice was given, to remove such advertisement or sign or to do such other things as may be set forth in such notice so as to bring the advertisement or sign into conformity or compliance, as the case may be.

9.3 If a person to whom notice has been given in terms of sub-bylaws 9.2 fails to comply with a direction contained in that notice within the period therein specified, the Authorised Officer may, at any time after the expiration of that period, through the agency of any person

authorised thereto by him, enter upon the land upon which the advertisement or sign to which the notice relates, is being displayed or has been erected and remove the advertisement or sign or effect the alterations prescribed in the notice.

9.4 The Municipality may recover the expenses which have been incurred by any action taken under sub-bylaw 9.3 from any person to whom the notice in question was given, unless he proves:

(a) that he did not, at the time when he received the notice nor at any time thereafter, display the advertisement or erect the sign, as the case may be; or

(b) that he did not take any active part in displaying the advertisement or erecting the sign and did not grant any person permission to display or erect it and did not receive any valuable consideration in connection with the displaying of the advertisement or the erection of the sign, and that he does not manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

9.5 No compensation shall be payable by the Municipality to any person in consequence of any removal or other work required to be effected in terms of sub-bylaw 9.2.

9.6 For all purposes of these bylaws the owner of any premises on which an advertisement or sign is displayed or has been erected, as the case may be, or, where the owner does not occupy such premises, the occupier thereof and the manufacturer of any article or proprietor of any industry, trade, business, undertaking or activity to which the advertisement relates and the promoter of any entertainment or function to which an advertisement relates or any agent of such manufacturer, proprietor or promoter shall, unless the contrary is proved, be deemed to have displayed, erected or maintained such advertisement or sign to have caused or permitted any such advertisement or sign to be displayed, erected or maintained as the case may be.

Damage or defacement due to removal of advertisements or signs

Any damage to or defacement of any premises caused by or resulting from the removal of any advertisement or sign shall forthwith be made good to the satisfaction of the Authorised Officer by the owner of the premises.

10. Construction of signs

The person erecting or causing the erection of any sign shall ensure compliance with the following provisions:

(a) Resistance to loads. The sign and its supports and anchorage shall be able to sustain the dead load to which they may be subjected together with a wind loading equivalent to a horizontal static pressure of 1,9kN/m².

(b) Drainage. Adequate provision shall be made to drain every sign to prevent the accumulation of water.

(c) Glass.

(i) All glass used in advertisements and signs other than glass tubing used for gas discharge illumination or similar appliances shall be of an approved type of safety glass having a thickness of not less than 4mm.

(ii) No pane shall have an area greater than 1m².

(iii) No pane shall be secured in such a way that its stability is dependent upon any other pane.

(iv) An approved form of protection shall be provided to minimum the possibility of damage to the glass by falling objects.

11. Maintenance of advertisements or signs

12.1 (a) The owner of premises on which an advertisement or sign which is exempted in terms of bylaw 3 from the provisions of bylaw 2 has been displayed or erected, as the case may be, and

(b) the owner of the premises on which an advertisement or sign which is not exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of bylaw 4.4(a) in respect thereof, jointly and severally, shall maintain such advertisement or sign (together with its supports, braces, guys and anchors) in a state of good repair, both structurally and aesthetically.

12.2 Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 12.1 shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of these bylaws, if practicable.

12.3 Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 12.1 shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance, and failure to do so will constitute an offence. Should such person fail to comply with the terms of a notice from the Authorised Officer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the Authorised Officer may remove the advertisement or sign concerned and recover the cost of doing so in terms of section 9.4 and no compensation shall be payable by the Municipality in consequence of such removal.

12.4 The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view, shall permit the Authorised Officer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute

any work in relation thereto or to remove the same, and shall furnish the Authorised Officer or such member, as the case may be, with any information that may be required regarding the display, erection or maintenance of such advertisement or sign.

12. Prohibited advertisements and signs

13.1 No person shall display or distribute any of the following advertisements or erect any of the following signs:

- (a) Any advertisement which, in the opinion of the Authorised Officer, is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular case of persons or is displayed in any place, in such a manner or by such means as, in the opinion of the Authorised Officer, is likely to effect injuriously the amenities of, or to disfigure any neighbourhood when the Authorised Officer has by notice served on such person conveyed his opinion to that effect.
- (b) Any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature.
- (c) Any advertisement or sign which obstructs any street, fire escape, exit way or any window or door or other opening use as a means of egress from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another.
- (d) Any advertisement or sign which is prohibited in terms of any town planning scheme.
- (e) Any advertisement on a portable board displayed on a street pavement.

(f) Any advertisement or sign that is painted on or in any way affixed to the inside surface of any window of a residential building other than a display window.

(g) No pamphlets shall be scattered from the air, in any way be distributed in any street or public place or attached to the windscreens of any parked vehicles.

(h) No “Sold” boards will be allowed.

(i) No “For Sale” boards shall be allowed other than on vacant land.

13.2 (a) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone, commercial zone, or an airport zone.

(b) Advertisements or signs interfacing with traffic or shipping control. No advertisement or sign shall be displayed or erected:

(i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;

(ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.

(c) Advertisements or signs in certain materials. No advertisement or sign shall be displayed or erected:

(i) on top of a canopy or veranda unless it consists solely of individual letters not exceeding 750mm in height to which may be added not more than two symbols, provided that:

(aa) the letters and symbols shall be of the cut-out type or be individually boxed; and

(b) a symbol shall not exceed 1m in height, and shall be mounted separately to the letters;

(ii) as a sky sign except in an industrial or harbour zone unless it is, in the opinion of the Authorised Officer, of such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;

(iii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993) or retail business premises;

(iv) on a sign made of cloth, paper, plastic or paper-mache or other material of a like nature unless such advertisement:

(aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,4m² in area for each linear metre of building frontage;

(bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the Authorised Officer;

(cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in writing by the Authorised Officer, subject at his discretion, to certification by a registered professional engineer;

(dd) is displayed during public celebrations or festive occasions;

(ee) is on any portion of a sunblind or awning;

(ff) is displayed as an advertisement in accordance with the provisions of bylaw 12 of these bylaws;

(gg) is either a flag of an embassy, central government or provincial government, the Municipality or the registered flag of a shipping company's house flag displayed at its main office or factory in the town.

(d) Extent of advertising matter permitted on signs. Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or veranda or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any advertisement or sign on the street façade of a building the Authorised Officer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building.

13. Advertisements and signs on Municipal Property

14.1 No person shall in any street or public place or on Municipal property display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable or political or other similar character unless he shall have first obtained the written permission of the Authorised Officer, provided that:

(i) no permission shall be given for the display of any advertisement which contains advertising matter unconnected with the meeting, function or event advertised and which occupies more than 20% of the surface area of the advertisement; and

(ii) no permission shall be given for the display of any advertisement which, in the opinion of the Authorised Officer, is primarily of a commercial character.

14.2 Every application for permission in terms of sub-bylaw (i) shall be accompanied:

(i) by a deposit which, in the case of election advertisements, shall be in accordance with the Municipality tariffs of charges;

(ii) where any advertisement is to be displayed on any property the written consent of the head of the municipal department in which control of the said property vests.

14.3 A deposit paid in terms of sub-bylaw 14.2 shall, subject to the provisions of sub-bylaws 14.5 and 14.10 be refunded when all the advertisements to which it relates have been removed to the satisfaction of the Authorised Officer.

14.4 Any person who, in the exercise of permission granted in terms of sub-bylaw 14.1, displays or causes or suffers an advertisement to be displayed shall comply with the following requirements:

(i) No advertisement and no board or material to which and advertisement is attached shall be placed in such a situation or fastened in such a manner as is likely, in the opinion of the Authorised Officer, to constitute a danger to any vehicular traffic or pedestrian or to any other person or any property in any street or public place or to Municipal property.

(ii) No advertisements relating to the same meeting, function, event or election candidate shall be placed within 10m of each other.

(iii) No advertisements on the boards or material to which they are attached shall be so placed that the content of separate advertisements

when read in succession, forms a continuous legend relating to the same meeting, function or event.

(iv) No advertisement relating to a meeting, function or event other than an election, shall be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends.

(v) Save with the special consent of the Authorised Officer, not more than 100 advertisements or copies of an advertisement shall be displayed at any one time relating to any meeting, function or even other than an election.

(vi) In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in the places referred to in sub-bylaw (i).

(vii) No election advertisement shall be displayed for longer than the period extending from the beginning of the day of nomination to the end of the third day after the day of the election.

(viii) Any cloth, paper-mach or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.

(ix) In respect of each political party not more than 500 election advertisements or copies of election advertisements shall be displayed in the places referred to in sub-bylaw 1.

14.5 Nothing in this section shall apply to an advertisement which:

(i) is displayed in or on a private motor vehicle parked or being driven in a street or public place in the course of its normal use as such a vehicle;

(ii) is affixed to a ground sign approved in terms of these bylaws for the display of advertisements.

14.6 Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-bylaw 14.1 fails to remove it or cause it to be removed within the relevant period in terms of sub-bylaw 14.4 shall be guilty of an offence and the Authorised Officer shall be entitled to have any such advertisement removed; provided that if the costs of such removal exceeds any deposit such excess amount shall be a civil debt due to the Municipality; provided further that when any advertisement is so removed in terms of these bylaws, the Authorised Officer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

14.7 Any person who displays or causes, permits or suffers to be displayed in any place referred to in subsection 14.1 any advertisement and any person, other than a police officer so other person charged with the enforcement of these bylaws, who is authorised by the person responsible for the display of the advertisement to remove it, shall be deemed to be the displayer thereof so long as it is displayed.

14.8 Any person who is either alone or jointly with any other person responsible for organising or is in control of any meeting, function or event to which an advertisement relates shall, until the contrary is proved, be deemed to have displayed or have caused, permitted or suffered to be displayed every advertisement relating to that meeting, function or event.

14.9 In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of this subsection, it shall be presumed that such advertisement was displayed by the persons, club or other body of persons sponsoring, promoting or organising or in control of the meeting, or event to which it relates or by the candidate to whom an election advertisement relates or that any such person, club or body caused or permitted such advertisement to be displayed, as the case may be, until it be proved to be contrary.

14.10 The Authorised Officer shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of sub-bylaw 14.1 or in contravention of any provision of this bylaw and the person who displayed any such advertisement or cause or permitted it to be displayed or is deemed under sub-bylaw 14.7 or 14.8 to have done so shall be liable to pay to the Municipality a sum as of the said removal may be deducted by the Municipality from any deposit made in terms of subbylaw 14.2(i), provided that if the actual cost of removal exceeds such deposit the Municipality shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Municipality; provided further that when any advertisement is so removed in terms of these bylaws, Authorised Officer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

14.11 For the purpose of this bylaw:

- (i) an advertisement displayed upon the exterior wall or fence constituting the arrant boundary of any premises and fronting a street or public place shall be deemed to be displayed in a street or public place;
- (ii) Municipal property includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Municipality other than property leased from the Municipality;
- (iii) election advertisement means the advertisement used in connection with any parliamentary, provincial council or municipal election or byelection or referendum.

15. Pointer Boards

15.1 The Authorised Officer may grant approval to the display of pointer boards, subject to compliance with the following requirement:-

Each selling agent shall submit to the Authorised Officer a written application, in the form approved by him, and pay the prescribed fee, for permission to erect and display the number of pointer boards specified in such application form provided this number does not exceed 10.

15.2 No person shall display a pointer board or cause a pointer board to be displayed:

- (a) save to indicate the route to the property to be sold or a change in the direction of such route from any point;
- (b) on a sign which exceeds 600mm x 500mm in area;
- (c) on any Municipal property as defined in sub-bylaw 14.11(ii) other than a road reserve;
- (d) on any Municipal property unless approval has been granted in terms of sub-bylaw 15.1 for such display;
- (e) on a sign which is fixed to the soil and supported by any means other than one or two poles driven into unpaved ground between a road frontage boundary and the nearest edge of a public footpath, or if there is no such footpath in a position not nearer than 1,5m from the edge of the roadway as defined in the Road Traffic Act, 1989 (Act 29 of 1989), and at such height that its lower edge does not exceed 400mm above the ground immediately beneath such lower edge; provided that where there is no such unpaved ground, the board shall be attached to a street lighting standard of the Municipality by a method which has been approved in writing by the Authorised Officer.
- (f) nearer than 10,0m from any road intersection or 10,0m from an entrance or exit to or from a freeway as defined in the said Road Traffic Act provided that only one directional sign per agency will be allowed.

(g) so as to obstruct the view from any portion of a roadway as defined in the said Road Traffic Act, of any road traffic sign or any street name sign; and

(h) pointer boards may not be displayed from sunset to sunrise. These shall be removed at sunset and replaced at sunrise;

(i) to a property on which the agent is not in attendance for the duration of the period that the sign is displayed;

(ii)

(j) on any traffic circle or island.

15.3 Any selling agent who, having displayed or caused to be displayed any pointer board in respect of which approval has been given under this subsection, fails to remove it or cause it to be removed within two hours of the end of the time stated in sub-bylaw 15.2(h) shall be guilty of an offence and the Authorised Officer shall be entitled to remove any such pointer board and to recover from such agent for each and every such pointer board the fee prescribed in the Municipality's tariffs of charges; provided that any board which has not been claimed within a period of fourteen days from the date of such removal may be destroyed by the Municipality, without giving notice to anyone.

16. Signs attached to buildings

16.1 Any sign which is attached to or suspended from a building shall, unless the Authorised Officer otherwise approves, have not less than four supports:

(i) any two of which shall be capable of carrying the mass of sign;

(ii) the designed strength of which acting together shall be calculated on a mass equal to twice the dead load of the sign with the addition of any other loads to which such sign may be subjected; and

(iii) which shall be neatly constructed as an integral part of the design of such sign and/or otherwise concealed from view.

16.2 Where directed by the Authorised Officer in writing, the stability and safety of any sign referred to in subsection 16.1 and its fixings shall be certified in writing, by a suitably qualified registered professional engineer.

DETAILED REQUIREMENTS FOR SIGNS

17. Electric and illuminated advertisements

17.1 Every electric advertisement and the sign on which it is displayed shall be constructed of non-combustible materials or other material approved by the Authorised Officer, and shall be installed in accordance with the provisions of the Electricity Supply Bylaws and the Code of Practice for the Wiring of Premises SABS 0142-51 as issued by the Bureau of Standards and published on 9 July 1982 under General Notice 463.

17.2 Where boxes or housing for electrical equipment are essential as part of an electric or illuminated advertisement, such boxes or housing shall be screened from view, provided that, if in the opinion of the Authorised Officer this is impracticable, such boxes or housing shall be painted to match the adjoining surfaces and be of a size adequate for efficient working and safety to the satisfaction of the Authorised Officer.

17.3 No person shall display any advertisement which is of such intense illumination as to disturb the occupants of residential buildings.

17.4 No flashing or animated advertisement, the periodicity of which exceeds 60 flashes to the minute, shall be so displayed that the lowest point of such advertisement or the sign on which it is displayed is less than 2,45m above the ground.

17.5 No flashing, oscillating or animated advertisement which is totally unilluminated for intervals of more than two seconds during the period of operation shall be situated at a height of less than two storeys or 2,45m whichever is the greater height, above the ground level or footpath.

18. Ground signs

18.1 No ground sign other than a single support sign shall have an overall height in excess of 7m above the ground at any point and no such sign shall have dimensions which exceed 12,65m in length and 5,65m height; provided that a ground sign which has a length of 6,65m or greater shall not be erected unless, in the opinion of the Authorised Officer, such sign screens premises which detract or likely to detract from the amenities of the neighbourhood by reasons of their appearance or the use of which they are put. Any area between such ground signs and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the Authorised Officer.

18.2 Unless otherwise permitted by the Authorised Officer, no single support sign shall:

- (a) be longer than 1,55m where the lower edge of such sign is less than 2,45m above the ground surface
- (b) be longer than 1,85m where the lower edge thereof is 2,45m or more but less than 3,25m above the ground surface;
- (c) be longer than 2,13m where the lower edge thereof is 3,25m or more but less than 4,05m above the ground surface;
- (d) be longer than 2,43m where the lower edge thereof is 4,05m or more but less than 4,85m above the ground surface;

(e) project beyond a point which is 450mm back from the nearest kerbline if the lower edge of the said sign is less than 5,5m above the ground surface;

(f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

18.3 Every ground sign shall be firmly supported by and anchored to the ground. Supports and anchors may be of suitably treated timber or of corrosion resistant or corrosion proofed metal of masonry or concrete.

18.4 Any ground sign shall be removed within 7 days after request by the
Authorised Officer.

19.Show House Signs

19.1 Applicants shall be entitled to display the following signs in respect of each property advertised for sale for the period that the agent is in attendance on the property and may proceed to erect such advertisements without submission of applications and without payment of the deposit contemplated in bylaw 11.

19.2 A maximum of four (4) pointer boards may be placed directly in front of the unit on show. The other boards may be placed on road verges at intersections, subject to the conditions that no more than one (1) such board per agency per duration shall be allowed at each intersection.

19.3 Any show house banner shall only be affixed on the premises of the property to be sold and shall not be affixed on or across any sidewalk, street or other public place. Banners shall be attached to a wall, fence pole or other structure of the show house and shall be properly maintained.

19.4 Open office signs of estate agents shall only be placed on Sundays or public holidays and may not be placed more than one hundred (100) metres from the open office on the same side of the road as the relevant office is situated.

19.5 No show house sign or pointer board may be left out overnight.

19.6 Selling agents or their authorised representatives may apply to the Municipality for display of more advertisement signs of the nature contemplated in these bylaws, but approval thereof shall be subject to payment of advertisement fees as provided for in these bylaws and shall furthermore be subject to other conditions as may be laid down by the Municipality.

19.7 No bunting, flags, banners, balloons or A-frames shall be allowed for use in advertising of show houses or apartments.

20. Projecting Signs

20.1 Every illuminated projecting sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or any other material approved by the Authorised Officer.

20.2 No projecting signs or any part of its supports or framework shall:

(a) have the lower edge thereof less than 2,45m above the surface of the footpath or, if there is no footpath above the street or ground surface;

(b) exceed 1 250mm in depth or project more than 950mm from the visual surface of the building, where any portion of such sign is less than 3,7m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(c) project more than 1 250mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7m above the footpath or, if there is no footpath, above the street or ground surface;

(d) project more than 1 850mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7m above the footpath or, if there is no footpath, above the street or ground surface;

(e) project beyond a point which is 450mm back from the nearest kerbline if the said sign is less than 5,5m above the footpath or, if there is no footpath, above the street or ground surface;

(f) be located below a canopy or veranda that faces a street, or can be seen from a street, if such canopy or veranda , has its underside located at or below a level of 5m above the footpath immediately beneath it;

(g) contains advertising matter other than exclusively directional on more than 50% of its area, provided that, at the discretion of the Authorised Officer, this requirement may be relaxed in the case of an advertisement or sign on any one street elevation of a building as long as the total area covered by advertising matter on such elevation does not exceed 50% of the sum of the areas all faces of advertisements and signs on such elevation.

20.3 Every projecting sign shall be at right angles to the overall face of a building fronting a street; provided that such face shall be deemed to include any splayed section of the external wall of such exceeds 1,5m in length at the intersection of two streets.

20.4 Any projecting sign which is attached to a building of the height set out in Column 1 of Table 1, shall be so situated that no part of such sign has a depth greater than that set out in Column 2. For the purpose of

such Table the height of the building shall be measured as its vertical height above the ground at the point where the sign is to be erected.

TABLE I

Column 1	Column 2
Height of building	Maximum depth of sign
Not exceeding 17m	9m
Exceeding 17m but not exceeding 34m	12m
Exceeding 34m but not exceeding 43m	14m
Exceeding 43m	15m

In calculating the depth of any sign in accordance with the above Table, signs placed one above the other in the same plane on the same building, or tier of that building, shall be deemed to be one sign, whether or not such signs belong to different owners or are displayed under separate permits.

21. Sky Signs

21.1 Every illuminated sky sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the Authorised Officer.

21.2 No sky sign when erected on a building of the height specified in Column 1 of Table II shall exceed the depth given in Column 2 of the said Table. For the purpose of such Table the height of the building shall be measured as the vertical height of the building above the ground at the point where the sign is to be erected.

TABLE II

Column 1	Column 2
Height of building	Maximum depth of sign

Not exceeding 17m 2m

Exceeding 17m but not exceeding 34m 3m

Exceeding 34m but not exceeding 43m 3,5m

Exceeding 43m 4m

21.3 No sky sign on which an electric or illuminated advertisement is displayed shall be placed on or over the roof of any building unless the entire roof construction is of non-combustible material or such sign is in metal boxes with faces of poly-carbonate, acrylic polymer sheeting or any such building.

21.4 No sky sign shall project beyond any existing building line.

21.5 No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof, provided further that a revolving sign in such a position may also be allowed.

21.6 Every sky shall be thoroughly secured and anchored to the building on or over which it is erected. All loads shall be safely distributed to the structural members of the building. All structural members of the sign shall be concealed or integrated with the design of the sign to the satisfaction of the Authorised Officer.

22. Under-canopy signs

22.1 Every illuminated under-canopy sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the Authorised Officer.

22.2 No suspended under-canopy sign shall exceed 1,8m in length, 600mm in depth and 300mm in thickness with a minimum thickness of 100mm.

22.3 Every under-canopy sign suspended under a canopy or veranda shall be set with its main axis at right angles to the building line and shall be fixed in such a manner that the lowest part of such sign is not less than 2,45m above the footpath or, if there is no footpath, above the street or ground surface.

22.4 The distance between any two under-canopy signs centre-to-centre, shall not be less than 3m, provided that the Authorised Officer may in special circumstances and in his absolute discretion permit a lesser distance.

22.5 No suspended under-canopy sign shall extend beyond the external edge of the canopy or veranda to which it is situated.

22.6 Not more than 50% of the area of any face of an under-canopy sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one undercanopy shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

23. Wall signs and fascia signs

23.1 Materials. Every illuminated wall sign, other than a sign on a blank wall which has no openings and every illuminated fascia sign, shall be constructed of non-combustible materials except that paints and varnishes may be used and ornamental mouldings, cappings, decorative trim and battens or framing may be constructed of combustible materials, provided that the specie (if any) between the sign and the wall is fire stopped to the satisfaction of the Authorised Officer.

23.2 Projection. No wall sign or any advertisement displayed thereon shall extend beyond the ends of the wall to which it is attached. At any place where pedestrians may pass by a wall, a wall sign attached thereto shall not project more than 100mm therefrom up to a height of 2,5m

measured from the ground level at such place or project more than 224mm above such height and any such sign which is below a height of 2,5m shall be provided with rounded arises.

23.3 Supports. Every wall sign attached to walls of masonry or concrete shall be securely thereto by means of corrosion resistant metal anchors, screws or expansion bolts of at least 6mm diameter, embedded to a depth of at least 100mm. No wooden blocks or anchorage with wood used in connection with screws, staples or nails shall be considered proper anchorage.

23.4 Not more than 50% of the area of any face of a fascia sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one fascia sign this restriction shall be deemed to have been compiled with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

24.Aerial advertisements

No person shall display an aerial advertisement of cause or permit such an advertisement to be displayed:

(a) at a height exceeding 30m from the natural ground level nearest to its anchorage or tethering point;

(b) on or from Municipal property, including a street or public place, and no person shall anchor or tether an aerial device by means of which such an advertisement is or is to be displayed to such property; provided that the Authorised Officer may in his sole discretion permit such display and anchorage or tethering for the duration of an exhibition, show or event during national or civic or other functions, subject to such conditions as he may deem fit to impose; and

(c) on an aerial device unless that device is at all times of display constantly attended by an approved competent person, nor shall any person cause or permit such a device to fly or be tethered unless it is so attended.

25. Rental for encroaching signs

The person to whom permission has been granted in terms of bylaw 4.4(a) or transferred in terms of bylaw 4.4(d) in respect of a sign which extends beyond, into or over the boundaries of any street or any street line (whether under or above any veranda, balcony or canopy or not) shall pay therefore in accordance with the annual rental prescribed in the Municipality tariff of charges.

26. Advertising vehicles

No person shall display an advertisement on an advertising vehicle or cause or allow such advertisement to be displayed so that the advertisement is visible whilst such vehicle is in motion in a street or public place or place the vehicle or cause it to be placed so that it is visible from a street or public place:

(a) unless the vehicle and any sign thereon for the display of such advertisement has been approved for the purpose by the Authorised Officer;

(b) unless the vehicle complies in all respect with the requirements of the National Road Traffic Act, 1996 (Act 93 of 1996), and the regulations thereunder;

(c) unless the full names, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside Kwadukuza, of the person having control of the vehicle at the time of such display, are reflected in letters and figures not less than 40mm high

in a conspicuous position approved by the Authorised Officer and are maintained in a legible condition;

(d) unless the prescribed fee has been paid; and

(e) if the advertisement or the sign on which it is displayed exceeds 6,0m in its horizontal dimension or 3,0m in its vertical dimension.

Notwithstanding anything to the contrary contained in bylaw 25, no person shall place an advertising vehicle or cause or allow it to be placed on Municipal property including any demarcated parking bay or cause or allow such vehicle to be parked in a public road; provided that such vehicle may be placed within leased Municipal property subject to compliance with the requirements of these bylaws.

27.Presumptions

For the purposes of these bylaws:

(a) a person who has displayed an advertisement or who has renovated or repaired it or a sign on which an advertisement has been displayed and any person who is entitled to remove it, shall be deemed to display that advertisement while and whenever it is visible from a street or public place;

(b) a person who owns or occupies premises whereon an advertisement which is visible from a street or public place, is being displayed, or wherever a sign has been erected whereon is situated such an advertisement or sign which has been maintained, renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have displayed that advertisement or erected that sign, as the case may be, or otherwise to have caused it to be displayed or to have erected, maintained, renovated, restore or repaired it, as the case may be,

or to have permitted erection, maintained, renovation, restoration or repair;

(c) any place who purposes to exercise any right in connection with premises to which the public has no access as a matter of right, or who is from time to time upon any such premises, shall be deemed to occupy those premises, unless the contrary is proved.

28. Offences and Penalties

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

LOCAL AUTHORITY NOTICE 101

MOSES KOTANE LOCAL MUNICIPALITY



**MOSES KOTANE LOCAL MUNICIPALITY BY-LAW RELATING TO
THE HIRE OF PUBLIC HALLS, ROOMS AND SPORTSFIELDS**

The Moses Kotane Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), hereby publishes the following by-law made by the Municipality which by-law will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

Unless the context indicates differently, the words used in the bylaws as follows shall have the meanings as defined:

“Caretaker” means the person appointed by the Municipality from time to time to take care of the centre;

“Deposit” means the deposit, as set out in the tariff of charges, which is payable to safeguard the Municipality against breakages, which deposit shall be refunded after the function if it appears that no damage has been either to the hall or its requirements;

“Hall” shall mean any hall which belongs to the Municipality and which is made available to the public for private use and room shall have a corresponding meaning;

“Hirer” means the person who signed the application and agreement form for the hire of the hall and, if the form is signed on behalf of a club, school, firm, church or other organisation, also such club, school, firm, church or organisation.

“Municipality” means the Moses Kotane Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998).

“Official use” Political parties vs government departments vs Churches.

“Refundable tariff” where does it apply?

2. Letting

(1) Applications for the hire of the hall or room shall be dealt with in the order in which they are received.

(2) Persons who apply for the hire of the hall or room shall do so in writing to the Municipal Manager and complete the prescribed application and agreement form.
(Consultation with Ward Councillor)

(3) The person who signed the application form on behalf of the club, school, church, firm or other organisation, shall be jointly and severally responsible with such organisation, whether criminally or civilly for the observance of these bylaws.

(4) The Municipality reserves the right to refuse to let the hall or room without assigning its reasons therefore or to cancel any booking thereof:-

- (a) if the intended function does not meet with the approval of the Municipality or
- (b) if the hall or room, furniture or equipment is, in the opinion of the Municipal Manager, likely to be damaged by persons attending the function; or
- (c) if the hall or room is required for a purpose which, in the opinion of the Municipal Manager, should take precedence.

(5) In the event of a refusal or cancellation as intended in subsection (4), no compensation (excepting the refunding of the appropriate hall fee and deposit) shall be payable to the hirer for any loss which he may suffer by reason of such refusal or cancellation.

3. Payment of charges

(1) No reservation shall be confirmed unless the full hire fee plus the required deposit is paid at the time of the application for reservation, and no tickets, invitations or notices may be printed or distributed until such time as the reservation has been accepted.

(2) The hirer should not be allowed to enter into occupation of the hall unless and until the full hire fee has been paid.

(3) The hiring of any hall includes the use of the hall as well as the kitchen, rooms and equipment thereof including the site on which it is situated.

(4) The hire fee, as set out in the tariffs of charges, shall be payable in advance and includes the usual cleaning of the building, caretaker's fees and lighting as well as the use of the available facilities, equipment and seating.

(5) The Municipality may grant the use of the hall free of charge on such occasions, as it may deem advisable and in the public interest.

(6) The Municipality reserves the right to exempt certain organisations

4. Postponement and Cancellation

(1) A hirer may, on good cause shown, postpone a reservation for maximum period of 30 days, and provided written notification thereof is given to the Municipal Manager at least 7 days prior to such postponement and, in the opinion of the Municipal Manager no other hirer will be prejudiced thereby, he may permit such postponement without forfeiture of the hire fee, failing which such postponement shall be regarded as a cancellation and the hirer shall forfeit the full hire fee.

(2) A hirer may cancel the reservation of the hall or room, provided that he shall give the Municipal Manager notice of the cancellation at least 7 days before the reserved date, in which case the rental paid in respect of such reservation, less 25% shall be refunded to him or otherwise stated.

5. Admission of Public

(1) The hirer shall be responsible for all arrangements in connection with the admission of the public to the hall or room, the sale of tickets, the provision of ushers and all such staff and officials (including police and protection officials) as may be necessary to ensure that the function takes place in a controlled and orderly manner.

(2) The hall or room shall be let to the hirer on the condition that there shall be no extraordinary crowding and that the number of persons allowed into the hall or room shall be limited to the available seating accommodation. When the available seating accommodation has been occupied, the hirer shall prohibit the admission of any person in order to prevent that such seating accommodation is exceeded.

(3) No persons shall be allowed to congregate or gather in the passages, aisles or doorways of the facility hired in terms of these bylaws.

(4) Official time is from 7:30am to 4:00 pm and thereafter after hours rates will apply

6. Disclaimer

Under no circumstances shall the Municipality be liable for:-

(a) any damage or loss suffered by any person owing to any defect in the hall, the electrical installation or any insufficiency or interruption of the power supply to the hall;

(b) any damage or loss of any property or articles which the hirer or anyone else brings or leaves on the premises or in the hall for his use or purpose, or injury to any persons or loss of or damage to any clothing of such persons entering the premises or making use of the equipment and, by signing the application and agreement form, the hirer indemnifies the Municipality in respect of any claim which any person or persons may institute on any ground whatsoever;

(c) any loss or damage suffered by the hirer as a result of a failure or defect in the machinery, appliances or lighting apparatus for the lighting of the hall or room or of any other equipment howsoever caused.

7. Liability of Hirer for Damage

(1) The hirer shall be liable for any breakage or other damage of whatsoever nature effected or caused to the hall or room, its apparatus or equipment during his occupation of the hall. If the hirer on receipt of the keys of the hall or room should find any furniture, equipment or other property to be defective, damaged or broken, then he must, without delay, draw the caretaker's attention thereto before he takes the hall, furniture or equipment into use, failing which it shall be deemed that such damage or defect originated during the period in which it was used by the hirer.

(2) Excepting the rental, the hirer shall also pay in a deposit (as set out in the tariffs of charges), which deposit shall be used to offset any possible damage or loss to the centre or its equipment. In the event of the damage exceeding the aforementioned deposit, the hirer shall be liable for such excess.

(3) After each function the hall shall be inspected by the caretaker and the hirer, or anyone authorised by or on behalf of the hirer, and any damage or defects shall be noted.

8. Responsibility of Hirer

- (1) The hirer shall observe the provisions of any laws, ordinances and municipal bylaws in the conduct of the function, show or performance for which the hall or room has been let to him and he shall not permit or allow any breach thereof;
- (2) The hirer shall also not allow the function, show or performance to be conducted in such a way that it creates an excessive noise or nuisance or that it militates against the good morals of the community or gives offence to a certain part or group of the community.
- (3) The hirer must instruct the caretaker by no later than 16:00 on the day prior to that upon which any concert or entertainment is to be given, as to the manner in which the seats are to be arranged.
- (4) The cloak rooms, toilets and ancillary rooms shall be in the care and custody of the hirer, who must provide their own attendants and be responsible for any loss that may occur.

9. Right of Admission Reserved

- (1) The hirer is hereby given the right to reserve admission to the hirer hired by him and is held responsible for the due consideration of the public morals and orderly conduct of matters during his occupation of the hall or room.
- (2) The caretaker or any other authorised officer of the Municipality shall be entitled at all times to enter the hall or room in order to ensure that the provisions of these bylaws are strictly observed.

10. Moving and Removal of Furniture

No furniture or articles of any nature whatsoever, or by whomsoever, shall be moved inside the hall or removed therefrom without the permission, and under the direct supervision, of the caretaker

11. Decorations and Posters

No person shall:-

- (a) affix or display any mural decoration of any nature whatsoever or any interior or exterior decorations, flags, banners, emblems, posters or notices or similar

showpieces in or on any portion of the hall or room without the approval of the Municipal Manager;

(b) display any posters or similar advertisements at the entrance to the centre, except on the special display board provided by the Municipality for that purpose;

(c) affix any screws, nails, adhesive tape of similar fixing materials in or on any portion of the hall.

12.Smoking Prohibited

No person shall smoke in any room or portion of the hall or any room except where a notice is displayed indicating that smoking is permitted in terms of National Legislation.

13.Electrical Lighting and Appliances

All electrical lighting and appliances in the hall shall be controlled by the caretaker or other authorised officer of the Municipality, and no other appliances or equipment excepting those supplied by the Municipality, may be used in the hall without the permission of the caretaker.

14.Copyright Consent

(1) The letting of the hall in terms shall not be deemed to convey any consent by the Municipality for the performance or exhibition of any musical or other work without the consent of the owner of the copyright thereof in any form, including the performing right. The hirer shall be bound to obtain the consent of any such owner as may lawfully be required and if so required by the Municipal Manager or any other authorised officer of the Municipality shall produce on demand proof of the grant of such consent prior to any such performance or exhibition.

(2) By signing the application and agreement form, the hirer shall indemnify the Municipality from and against any claim for an injunction, damages or otherwise and for costs, including costs between attorney and client, that may be made against it by reason of any infringement of the copyright by the hirer and any agent, employee or servant of the hirer.

15.Regulations of Performances

- (1) The Municipality reserves the right to demand, in writing, a preview of any performance, film or other exhibition open to all members of the Municipality before the performance, film or other exhibition is publicly shown in order to determine whether it is undesirable for public exhibition, and unless such preview is granted and until the Municipality's written approval of such a public exhibition is granted, the hiring of the hall or room shall be deemed to be cancelled, and no compensation shall be payable by the Municipality to the hirer in respect of any loss which he may sustain by reason of such cancellation.
- (2) The Municipality reserves the right in the case of a performance, film or other exhibition which has already been publicly shown and which is considered by the Municipality to be undesirable for such public showing, to prohibit any repetition thereof in the hall and to cancel any agreement with the hirer, and no compensation shall be payable by the Municipality to the hirer in respect of any loss which he may sustain by reason of such cancellation.
- (3) Should the hirer use the hall or room for any performance, film or other exhibition he shall provide qualified personnel, operators and servants at his own expense.
- (4) The hirer shall ensure that no liquor or dangerous weapon is taken into the hall or room by anyone unless it is done in compliance with National Legislation in that regard.

16.Prohibition of Certain Acts

- (1) No bar for the sale of alcoholic beverages shall be kept in the hall during a function unless it is a function in respect of which the Municipality has authorised the sale of alcoholic beverages, in which case the hirer shall take all steps necessitated by law.
- (2) No person shall switch off the lights of the hall intentionally while the building is open to the public.
- (3) No person shall lock or close a door intended for entrance or exit in case of emergency in such a way that it cannot instantly be opened without the use of a key or other instrument.

17.Compliance with Bylaws

Should any of the provisions of this bylaw not be complied with, the Municipal Manager shall be empowered at any time to cancel the hire if the hall or room, and no compensation shall be payable by the Municipality to the hirer for any loss, of whatever nature, by reason of such cancellation.

18.Trespassers Will be Prosecuted

No person shall enter the hall or room (or the premises on which the hall or room is situated) without the right to enter it, which right to enter shall emanate from the office held by such person in the employ of the Municipality or from the fact that the person is the hirer of the hall or from the fact that the person is allowed onto the premises by the hirer for a purpose in connection with the purpose for which the hall has been let. Trespassers on the premises will be prosecuted.

19.Offences and Penalties

Any person contravening any provision of these bylaws shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

20.Hire of Sport fields and Play Grounds

The hire of sports fields/playgrounds shall be subject to the following conditions:-

- (a) hire fees must be paid in advance as provided for in the tariffs of charges;
- (b) suitable arrangements must be made with the relevant municipal departments for the supply of electricity (if required), and the control of traffic;
- (c) painting of the precast walls is permitted provided the walls are restored to their original condition within seven (7) days after the event;
- (d) the use of ablution facilities is subject to the hirer providing the staff and materials to clean them and to the premises being left in a clean and tidy condition after the event;

- (e) any excavations or holes in the ground must be suitably filled and the ground restored, to its original condition, (including levelling and regrassing where necessary);
- (f) the hirer is responsible for restoring any damage that may be caused to the buildings within the facility;
- (g) Suitable arrangements must be made with the Community Services Department for refuse removal.
- (h) The sound levels from amplification equipment must be maintained at a reasonable level in order not to disturb the neighbours.

21.Repeal of by-laws

Currently the Municipality does not have a By-law which needs to be repealed.

LOCAL AUTHORITY NOTICE 102

MOSES KOTANE LOCAL MUNICIPALITY



PUBLIC PARKS BY-LAW

PUBLIC PARKS BY-LAW

To regulate the admission of persons, animals and vehicles to public parks; to provide for the use and enjoyment of public parks; to determine conduct that will not be permitted within public parks; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution of the Republic of South Africa, 1996 provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists local amenities and municipal parks and recreation as local government matters;

AND NOW THEREFORE BE IT ENACTED by the Council of the Moses Kotane Local Municipality as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“authorised official” means a member of staff of the Municipality delegated by the Municipal Manager: Parks and Recreation, or appointed by the Municipal Manager to implement the provisions of this By-law;

“Municipality” means the Municipality of the Municipality of Moses Kotane established in terms of section 12 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998),

“Municipal Manager” means the person appointed by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act NO. 117 of 1998);

“Constitution” means the Constitution of the Republic of South Africa Act, 1996;

“Council” means the council of the Municipality of Moses Kotane, being a council as provided for in terms of section 18 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998), or any committee, any sub-council, or any councillor of council, acting under council's delegated or sub-delegated authority;

“Councillor” means the member of the Council;

“notice” means a written notification, or a pictogram issued in terms of this By-law as set out in the Schedule, prominently and legibly displayed at the entrance to or in any facility or part thereof to which it is intended to apply;

“public park” means -

- (a) any botanical or other garden, play ground, zoned public open space, or park owned or leased by the Municipality, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street; and
- (b) any botanical, other garden or play ground which is lawfully controlled and managed in terms of an agreement by a person other than the Council;

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

“this By-law” includes the Schedule hereto;

“vehicle” means any self-propelled vehicle and includes-

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto which is designated or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include -
 - (i) any vehicle propelled by electric power from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person.

Delegation and appointment of authorised officials

2. (1) The Municipal Manager may delegate any of his or her powers or assign any of his or her duties in terms of this By-law to any official of the Municipality.
- (2) Municipal Manager: Parks may delegate any of his or her powers or assign any of his or her duties to any official of the Municipality
- (3) Subject the recruitment policies of the, the Municipal Manager may appoint authorised officials to exercise and perform certain powers and duties in terms of this By-law.

Admission to and visiting a public park

- 3.(1) A person who is admitted to gain access or visit a public park must, subject to the provisions of this By-law, observe and comply with all notices displayed in a public park or in the entrance thereto.
- (2) Should a person fail to observe and comply with a notice referred to in subsection (1), the Municipality shall not be liable for damage or injury suffered while such person is visiting the public park.
- (3) A public park is, subject to the provisions of this By-law, open to the public on the times determined by Council, provided that different times may be determined in respect of different public parks.
- (4) No person shall enter or leave an enclosed public park at a place other than that indicated for that purpose.
- (5) The conditions times and places contemplated in subsections (1), (2) and (3) shall be made known by Municipal Manager by means of a notice.

(6) Operating times may vary from time to time depending on seasons and occasions. However it should be stipulated on a notice board.

Entrance fees

4.(1) Any person, other than a person referred to in subsection (3) shall on entering a public park pay the entrance fees, if applicable, determined from time to time by the Council in accordance with the provisions of section 229 of the Constitution, read with section 74 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and such entrance fee shall be made known by means of a notice.

(2) Different entrance fees may be so determined in respect of visitors with disability and different ages.

(3) The Council may exempt certain persons or groups of persons from the payment of an entrance fee.

(4) Entrance fee will also be stipulated on a Notice board placed on the entrance of the Park.

Dumping and Littering

6. No person shall in a public park -

(a) dump, drop, bury or place any refuse, rubble, material or any object or thing; or

(b) permit any dumping, dropping, burying, placing of any refuse, rubble, material or any object or thing, except in a container identified for that purpose on the park.

Liquor and food

7. (1) No person shall, contrary to a notice, bring into a public park any liquor or any other alcoholic or intoxicating substance.

(2) No person shall in a public park, contrary to a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.

(3) The preparation and cooking of food at places set aside by notice for such purpose in or at a public park shall be done in a clean and sanitary manner.

(4) No live animal, poultry or fish may be killed, skinned or slaughtered in a public park without the written consent of the Municipal Manager having first been obtained.

Animals

8.(1) No person shall bring any live animal, reptile, bird, fish or poultry in a public park except in accordance with the directions of the Unit Manger: Parks provided that different directions may be determined in respect of different public parks and different types of animals, birds, fish and poultry

(2) The directions contemplated in subsection (1) shall be made known by means of a notice.

(3) Carcasses may not be buried in a public park but must be disposed of at the owner's expense and in a manner approved by the Council.

Use of public parks

9.(1) No person shall in a public park without the written permission of the Municipal Manager or delegated official or contrary to any conditions which the Municipal Manager or delegated official may impose when granting such permission -

- (a) arrange or present any public entertainment;
- (b) display or distribute any pamphlet, placard, painting, book, handbill, sign, advertisement board or any other printed, written or painted work;
- (c) arrange, hold or address any meeting;
- (d) arrange or hold a public gathering or procession of less than 15 persons, or any exhibition or performance;
- (e) conduct any trade, occupation or business;
- (f) display, sell or rent or present for sale or rent any wares or articles;
- (g) hold an auction;
- (h) off-load or store building or other material.

(2) Subject to any other law, the written permission contemplated in subsection (1) shall be refused only if -

- (a) it is likely to give rise to -
 - (i) public rioting;
 - (ii) the disturbance of public peace;
 - (iii) the committing of an offence;
 - (iv) the committing of an indecent act;
- (b) it is detrimental to the public or the users of, or visitors to, the public park; or
- (c) it is likely to damage or destroy the amenities or plant material of the park.

Trees in public parks

10.(1) No person other than an authorized official shall-

- (a) plant or prune a tree or shrub, or in any way cut down a tree or a shrub, in a public park or remove it there from, except with the written permission of the Municipal Manager or delegated official ;
- (b) climb, break or damage a tree growing in a public park; or
- (c) in any way mark or paint any tree growing in a public park or attach any advertisement thereto.

(2) Any tree or shrub planted in a public park shall become the property of the Municipality

Safety and order

11.(1) No person shall, subject to subsection (2), in a public park -

- (a) damage, tamper with or destroy any equipment, amenity or structure;
- (b) pull out, pick or damage any plant, shrub, bulbs, vegetation or flower;
- (c) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy habitat or remove any bird nests or eggs;
- (d) use or try to use anything in such park for any purpose other than that for which it is designated;
- (e) discard any burning or smouldering object;
- (f) throw or dislodge any rock, stone or object from any mountains, slope or cliff;
- (g) behave in an improper, indecent, unruly, violent or anti-social manner or cause a disturbance;

- (h) walk, stand, sit or lie in a flower bed;
 - (i) walk, stand, sit or lie on grass contrary to a notice;
 - (j) lie on a bench or seating-place or use it in such a manner that prevents others from using it;
 - (k) play or sit on playpark equipment, except if the person concerned is a child 14 years of age or younger, or as indicated in a notice;
 - (l) swim, walk or play, contrary to a notice, in a fish-pond, fountain, stream, dam or pond;
 - (m) skate on roller skates or a skateboard or similar device except where permitted by notice; or
 - (n) leave behind any broken glass, unless it is deposited in a refuse bin.
- (2) The Unit Manager: Parks may by notice, and subject to such conditions as he or she may deem necessary, authorise any of the actions contemplated in subsection (1).

Water

12. No person may misuse, pollute or contaminate any water source, water supply or waste water in any public park.

Laundry and crockery

13. No person may in a public park wash any laundry or crockery except at places indicated by notice for that purpose.

Vehicles

14.(1) No person may bring into a public park any truck, bus, motorcar, motor cycle, quadbike, motor tricycle, or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the written permission of Municipal Manager or delegated official provided that different requirements or conditions may be determined for different public parks and for different vehicles, craft or aeroplanes.

(2) The Municipal Manager or delegated official may determine the speed limit applicable in a public park, provided that different speed limits may be determined for different public parks and for different vehicles, craft or aeroplanes.

(3) The requirements or conditions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by a notice by the Municipal Manager or delegated official.

Games

15. No person may play or conduct any game of any nature-

- (a) that will cause disturbance, or potentially disturb, or cause injury to other park users; and
- (b) except at places set aside for that purpose by notice and in accordance with the directions of the Municipal Manager or delegated official .

Improper or indecent behaviour

16. No person may in a public park -

- (a) perform an act which is indecent or conduct himself or herself improperly by exposure of his or her person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd or indecent language;
- (c) write, paint, draw or in any way make a lewd, explicit or immoral figure, writing, drawing or representation; or
- (d) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex, provided that this shall not apply to children below the age of seven.

Powers of an authorised official

17. An authorised official may -

- (a) in a public park at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of this By-law are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an interpreter who, while acting under the lawful order of such an official, shall have the same powers, functions and duties as such official as contemplated in paragraph (a).

Amendment, change and addition of a notice or pictogram

18.(1) The Municipal Manager or delegated official may, subject to the provisions of this By-Law, amend, change or add any notice or pictogram mentioned in the Schedule.

(2) The Municipal Manager or delegated official must, within 5 working days after an amendment, change or addition of a notice or pictogram as contemplated in subsection (1), display such amended, changed or added notice or pictogram in the relevant public park or at the entrance thereto.

Right of admission

19. The right of admission is reserved where Private booking has been authorised by Municipal Manager.

Offences and penalties

20. Any person who contravenes or fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of, this By-law, shall be guilty of an offence and if convicted shall be liable for a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

LOCAL AUTHORITY NOTICE 103**MOSES KOTANE LOCAL MUNICIPALITY (NW375)****AMENDMENT OF MOSES KOTANE LOCAL MUNICIPALITY****PROPERTY RATES BY-LAW**

Notice is hereby given that the Moses Kotane Local Municipality, by means of Council Resolution 162/04/2011, has approved the amendment of the Moses Kotane Local Municipality Property Rates By-Law as follow:

1.1 SCHEDULE A – SCHEDULE OF REBATES

The Schedule of rebates shall be amended by the inclusion of Pension Households and the new schedule will now read:

“Household registered as indigent:

Household with income of R 2 200.00 per month or less – 100%” and

“Pensioner Households with income of R 2 200.00 per month or less on residential properties only – 100%”

Please see Schedule “A” attached. Enquiries may be directed to the Director Corporate Services at telephone number 014 555 1300.

Mr. Gobakwang J. Moatshe

Municipal Manager

Private Bag X1011

Mogwase

0314

SCHEDULE A

SCHEDULE OF REBATES

Category/Description	Proposed rebate	Council's adopted rebate
State Properties	20%	20%
Residential Properties (Where applicable)	20%	20%
Public schools	20%	20%
Private schools	20%	20%
Public Service Infrastructure	30%	30%
Rebates on Agricultural Land		
➤ No municipal roads next to property	7,5%	7,5%
➤ No municipal sewerage to the property	7,5%	7,5%
➤ No municipal electricity to the property	7,5%	7,5%
➤ No water supply to the property by the municipality	15%	15%
➤ No refuse removal provided by the municipality	7,5%	7,5%
➤ Contribution to job creation	5%	5%
Contribution to social and economic welfare of farm workers		
➤ Permanent residential property provided to the farm workers	5%	5%
➤ Residential property provide with potable water	5%	5%
➤ Residential property provide with electricity	5%	5%

➤ Availing land/buildings for education and recreational purposes for farm workers	5%	5%
Pensioner Households on residential properties only		
➤ Household with income of R 2 200 per month or less	100%	
Indigent Household - Registered as indigent		
➤ Household with income of R 2 200 per month or less	100%	

Schedule A

MOSES KOTANE LOCAL MUNICIPALITY

DETERMINATION OF TARIFFS: FINANCIAL YEAR 2011/2012

Notice is hereby given that in terms of section 75 A of the Local Government: Municipal Systems Act, Act 32 of 2000, the following tariffs have been determined by resolution of the Municipal Council with effect from 6 July 2011.

1) Refuse removal Tariffs

Residential

R18.40 per container per month (Plus VAT)

Businesses, Schools and Industries

R36.80 per container per month (Plus VAT)

Dumping of refuse at the Municipal Waste Disposal Sites

Domestic Waste per ton	R	89.00 (Plus VAT)
Industrial Waste per ton	R	120.00 (Plus VAT)
Green Waste per ton	R	55.00 (Plus VAT)
Tyres (per tyre)	R	6.00 (Plus VAT)

2) Sewerage Tariffs

Residential

R18.40 per stand or per dwelling unit in the event of more than one dwelling unit per stand per month (Plus VAT)

Businesses

R36.80 per stand per month (Plus VAT)

Industries, Institutional Bodies, Prisons, business complexes and Schools

R4.50 per kl, based on 60% of the registered water consumption (Plus VAT)

Decanting of raw sewerage

R 112.36 for every 5kl (Plus VAT)

Schedule A**3) Water Provision Tariffs****Domestic Consumers**

0 to 6 kilolitre	Free of charge
6.1 kl to 45 kilolitre	R 9.20 per kilolitre per month (Plus VAT)
45.1 kl and above	R10.57 per kilolitre per month (Plus VAT)

Small Business and State Department Consumers

0 to 45 kl	R 9.20 per kilolitre per month (Plus VAT)
45,1 kl and above	R11.02 per kilolitre per month (Plus VAT)

Bulk Consumers

Sun City	R 6.94 per kiloliter per month (Plus VAT)
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Industrial and Large Consumers

A.E.C.I, Military Base, University, Prison, Airport, Ostrich farms, Manyane Resort, Bakgatla Resort, Bakubung Lodge, Kwa-Maritane Resort, Ivory and other Resorts, Mines, Hospitals, Sun Village and other consumers not included in Domestic consumers: R9.50 per kilolitre per month (Plus VAT).

Water Connection Charges

New Connections: The actual cost of materials and labour plus a surcharge of 15% (Plus VAT).
The cost of a new connection is calculated from the nearest supply line to a maximum distance of 20 meters.

Disconnection Charges:	R 56.20 (Plus VAT)
Re-connection Charges:	R 56.20 (Plus VAT)

4) Machinery and Equipment Hire

Hiring of Front-end loader per hour	R 555.44 (Plus VAT)
Hiring of Bulldozer per hour	R 555.44 (Plus VAT)
Hiring of TLB per hour	R 485.50 (Plus VAT)
Hiring of Grader per hour	R 485.50 (Plus VAT)
Hiring of Vibrating Roller per hour	R 277.72 (Plus VAT)
Hiring of Low Bed per kilometer	R 22.26 (Plus VAT)
Hiring of Tipper Truck per kilometer	R 16.96 (Plus VAT)
Hiring of Small Vibrating Roller per hour	R 26.50 (Plus VAT)

Schedule A

5) Rental of Halls, Parks, Swimming Pools and Sports Facilities

Community Halls	R	500.00 (Plus VAT)
Public Parks	R	5 000.00 (Plus VAT)
Swimming Pools	Children under 12	R 10.00 (Plus VAT)
	Adults	R 15.00 (Plus VAT)
Sports Facilities		R 10 000.00 (Plus VAT)

6) Rental of Advertising Facilities

Street Lamp Poles (Per day)	R	1 200.00 (Plus VAT)
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7) Town Planning Fees

Approval of Building Plans

Inspection Fee	R	111.30 (Plus VAT)
Plan of 20m ²	R	111.30 (Plus VAT)
Every additional 10m ² or part	R	21.20 (Plus VAT)
Boundary Walls & Extensions	R	48.76 (Plus VAT)

Relaxation of Building Line/Side Space	R	337.50 (Plus VAT)
Special/Written consent of Council	R	800.00 (Plus VAT)
Second Dwelling Application	R	337.50 (Plus VAT)

Subdivision Application:

5 portions or less	R	675.00 (Plus VAT)
Per portion over 5 portions	R	100.00 (Plus VAT)

Consolidation Application	R	285.00 (Plus VAT)
Rezoning Application	R	3 037.50 (Plus VAT)
Township Establishment	R	4 050.00 (Plus VAT)
Site Development Plan	R	570.00 (Plus VAT)
Removal of Restriction	R	600.00 (Plus VAT)
Extension of Township	R	4 050.00 (Plus VAT)
Simultaneous removal of restriction and Rezoning	R	2 672.00 (Plus VAT)
Division of Land Ordinance 20 of 1986	R	3 217.00 (Plus VAT)
Relaxation of servitude i.t.o.		
Town Planning Scheme	R	337.50 (Plus VAT)
Zoning Certificate	R	41.50 (Plus VAT)
Copies of Title Deed	R	90.00 (Plus VAT)
Application for Cellphone Mast	R	1 871.00 (Plus VAT)
Copy of Town Planning Scheme	R	40.00 (Plus VAT)

Schedule A**8) Valuation and Clearance Certificates**

Issue of certificate	R	41.50 (Plus VAT)
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9) Sundry Charges

Photocopy per A4 page	R	1.00 (Plus VAT)
Photocopy per A3 page	R	2.00 (Plus VAT)

10) Indigent and Pensioner Subsidies**Property Rates**

A 100% rebate on property rates will be granted to registered indigent households, pensioners and physically / mentally disabled persons where the combined household income does not exceed R 2 200.00 per month.

Municipal Services

A subsidy of 50 kWh electricity per household per month will be granted to an indigent household in terms of the Electricity Basic Services Support Tariff (EBSST) as published in Government Gazette No. 25088 of 4 July 2003.

A subsidy of six (6) kilolitres of water per household per month will be granted to all residential consumers as per Council Policy.

A 100% rebate on refuse, sewerage and other municipal service charges will be granted to registered indigent households, pensioners and physically / mentally disabled persons where the combined household income does not exceed R 2 200.00 per month.

The subsidies mentioned above will only be applicable to qualifying households registered as indigent, as pensioners or as physically / mentally disabled persons in terms of the approved Indigent Policy, Property Rates Policy and Tariff Policy of Council.

11) General

The amounts due for refuse, sewerage and water shall become due and payable on 6 July 2011 (the fixed date) and must be paid at the end of each calendar month during the financial year.

Interest of 15 per cent per annum is chargeable on all amounts in arrear after the fixed date or dates and defaulters are liable to restriction of supply and legal proceedings for recovery of such arrear amounts.

Schedule A

The determination of tariffs is open for public inspection for 30 days after the date of publication of this notice. Any person who desires to object to the determination shall do so in writing within 14 days after the date of publication of this notice.

Assistance will be given to persons who cannot read or write to lodge a complaint if so desired.

**MR. G.J. MOATSHE
MUNICIPAL MANAGER**

**CIVIC CENTRE
Private Bag X1011
MOGWASE
0314**

Schedule B

MOSES KOTANE LOCAL MUNICIPALITY**NOTICE OF PROPERTY RATES AND OF FIXED DAY
FOR PAYMENT IN RESPECT OF THE
FINANCIAL YEAR 1 JULY 2011 TO 30 JUNE 2012**

Notice is hereby given that, in terms of section 14(3) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) read with section 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the following property rates will be levied by resolution of the Council in respect of the above mentioned financial year on rateable property recorded in the valuation roll:

(a) **Residential properties**

On the market value of any land or right in land or pertaining to such right in land R0.0022 in the Rand (zero comma two two cents in the Rand).

The first R 17 000.00 of the market value of residential property will be exempted from property rates.

A rebate of 20% is granted on developed residential property.

(b) **Mining properties**

On the market value of any land or right in land or pertaining to such right in land R0,0731 in the Rand (Seven comma three one cents in the Rand).

(c) **Businesses**

On the market value of any land or right in land or pertaining to such right in land R0,0211 in the Rand (two comma one one cents in the Rand).

(d) **All Government properties**

On the market value of any land or right in land or pertaining to such right in land R0,0475 in the Rand (four comma seven five cents in the Rand).

A rebate of 20% is granted on government properties.

(e) **Public Service Infrastructure (PSI)** (Eskom servitudes, Telkom, MTN, Vodacom, Cell C, Roads, Railway lines) - R0,00056 cents in the Rand (zero comma zero five six cents in the Rand) on the market value of any land or right in land or pertaining to such right in land.

The first 30% of the market value of PSI will be exempted from property rates.

Schedule B

- (f) **Public Benefit Organisation Property (PBO)** (Hospitals, Clinics, Hospices, Schools, Colleges, Universities and Development, Welfare & Caring Institutions who can produce a SARS proof and clearance as a PBO) - On the market value of any land or right in land or pertaining to such right in land R0,00056 in the Rand (zero comma zero five six cents in the Rand).
- (g) **Agricultural Property** - On the market value of any land or right in land or pertaining to such right in land R 0.00056 in the Rand (zero comma zero five six cents in the Rand).
- (h) **Holiday resorts and hotels with and without gambling rights in terms of the National Gambling Act, Act No. 7 of 2004, motels, entertainment centres including commercial properties, offices, garages and shopping centres pertaining to such land or right in land.**

h(i) Holiday resorts with gambling rights

The Sun City - Lost City complex and amenities situated on a portion of the farm Doornhoek 910 JQ and a portion of the farm Ledig 909 JQ, on the market value of any land or right in land or pertaining to such right in land R0,0324 in the Rand (three comma two four cents in the Rand).

h(ii) Holiday resorts without gambling rights

Bakubung Bush Lodge situated on portions of the farms Ledig 909 JQ and Koedoesfontein 94 JQ, Kwa Maritane Bush Lodge situated on portions of the farms Doornhoek 910 JQ and Waagfontein 89 JQ and Tshukudu Bush Lodge situated on portions of the farms Wydehoek 92 JQ and Leeufontein 50 JQ, Ivory Tree Game Lodge and Bakgatla Resorts situated on a portion of the farm Kafferskraal 43 JQ and Manyane Resort situated on a portion of the farm Zuiverfontein 58 JQ, on the market value of any land or right in land or pertaining to such right in land R0,0309 in the Rand (three comma zero nine cents in the Rand).

Resorts subject to phasing-in:

The Kingdom Resort situated on portion 2 of the farm Waagfontein 89 JQ and Black Rhino Game Reserve situated on portion 2 of the farm Zandspruit 168 JP, on the market value of any land or right in land or pertaining to such right in land R0,0309 in the Rand (three comma zero nine cents in the Rand). A phasing-in rebate of 50% is granted to these resorts.

- h(iii) The Sun Village shopping complex situated on a portion of the farm Doornhoek 910 J.Q: On the market value of any land or right in land or

Schedule B

pertaining to such right in land R0,0211 in the Rand (two comma one one cents in the Rand).

(i) Industrial undertakings

On the market value of any land or right in land or pertaining to such right in land R0,0086 in the Rand (zero comma eight six cents in the Rand).

(j) Rebates

Category/Description	Proposed rebate	Council's adopted rebate
State Properties	20%	20%
Residential Properties (Where applicable)	20%	20%
Public schools	20%	20%
Private schools	20%	20%
Public Service Infrastructure	30%	30%
Rebates on Agricultural Land		
➤ No municipal roads next to property	7,5%	7,5%
➤ No municipal sewerage to the property	7,5%	7,5%
➤ No municipal electricity to the property	7,5%	7,5%
➤ No water supply to the property by the municipality	15%	15%
➤ No refuse removal provided by the municipality	7,5%	7,5%
➤ Contribution to job creation	5%	5%
Contribution to social and economic welfare of farm workers		
➤ Permanent residential property provided to the farm workers	5%	5%
➤ Residential property provide with potable water	5%	5%
➤ Residential property provide with electricity	5%	5%
➤ Availing land/buildings for education and recreational purposes for farm workers	5%	5%
Pensioner Households on residential properties only		
➤ Owner with income not exceeding R 2 200.00 per month	100%	

Schedule B

Indigent Households – Registered as indigent		
➤ Owner with income not exceeding R 2 200.00 per month	100%	

(k) Tribal Land

All rateable properties under tribal management, whether registered in the name of the tribe or in the name of the RSA Government will be fully remitted from property rates for the financial year 2011/2012, but excluding the following properties:

State owned and parastatal owned institutions like hospitals, schools, tertiary education facilities, administration buildings, post offices, magistrate courts, Telkom property as well as Vodacom, MTN and Cell C buildings and installations, military bases, mines, mining installations and buildings including dwelling houses and infrastructure, Eskom servitudes, or any right in land utilized for business purposes. Holiday resorts and hotels with and without gambling rights, motels, entertainment centres and any right in land, including commercial and industrial buildings, offices, garages and shopping centres.

(l) General

The amounts due for rates as indicated in this notice shall become due and payable on 6 July 2011 (the fixed day) but may be paid in 12 equal installments at the end of each calendar month during the financial year.

Interest of 15 per cent per annum is chargeable on all amounts in arrears after the fixed date or dates and defaulters are liable to legal proceedings for recovery of such arrear amounts.

The property rates are open for public inspection for 30 days after the date of publication of this notice. Any person who desires to object to the determination shall do so in writing within 14 days after the date of publication of this notice.

Assistance will be given to persons who cannot read or write to lodge a complaint if so desired.

MR. G.J. MOATSHE
MUNICIPAL MANAGER

CIVIC CENTRE
Private Bag X1011
MOGWASE
0314