



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

# **Provincial Gazette Igazethi Yephondo Provinsiale Koerant**

**Vol: 28**

**BISHO/KING WILLIAM'S TOWN**

19 July 2021  
19 Julie 2021

**No: 4596**

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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GENERAL NOTICES • ALGEMENE KENNISGEWINGS</b>			
26	Special Planning and Land Use Management Act (16/2013): Erf 11183, East London .....	4596	3
27	Spatial Planning and Land Use Management Act (16/2013): Erf 1701, Newton Park, Port Elizabeth, Eastern Cape .....	4596	3
<b>PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS</b>			
96	Spatial Planning and Land Use Management Act (16/2013): Erf 857, Summerstrand, Port Elizabeth, Eastern Cape .....	4596	4
97	Spatial Planning and Land Use Management Act (16/2013): Erf 544, Sunridge Park, Port Elizabeth, Eastern Cape .....	4596	5
98	Local Government: Municipal Property Rates Act, 2004: Raymond Mhlaba Municipality resolution levying property rates for the financial year 1 July 2021 to 30 June 2022 .....	4596	6
99	Spatial Planning and Land Use Management Act (16/2013): Erf 4138, Lorraine, Port Elizabeth, Eastern Cape .....	4596	7
<b>LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS</b>			
170	Local Government: Municipal Systems Act (32/2000): Mhlontlo Local Municipality Credit Control and Debt Collection By-Law (for implementation on 1 July 2021) .....	4596	8
171	Local Government: Municipal Systems Act (32/2000): Mhlontlo Local Municipality Tariff By-Law (for implementation on 1 July 2021) .....	4596	28
172	Local Government: Property Rates Act (6/2004): Mhlontlo Local Municipality: Resolution on levying property rates for the financial year 1 July 2021 to 30 June 2022 .....	4596	37
173	Spatial Planning and Land Use Management By-Law, Kouga Municipality, 2016: Erf 383, Patensie .....	4596	39
174	Matatiele Local Municipality: By-laws relating to keeping of animals, birds, poultry, cats, dogs and pets and businesses involving the keeping of animals, birds, poultry, cats, dogs and pets .....	4596	40
175	Local Government: Municipal Property Rates Act, 2004: Enoch Mgijima Local Municipality Municipal Property Rates By-Law; and resolution on levying property rates for the financial year 1 July 2021 to 30 June 2022 .....	4596	70

**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 26 OF 2021****NOTICE TO ADVERT REMOVAL OF RESTRICTIVE CONDITIONS: ERF 11183 EAST LONDON (15 CAIRNS AVENUE, BONNIE DOON)**

**In terms of Section 47(1) of the Spatial Planning and Land Use Management Act No. 16 of 2013,**

**Read with Section 59 of the Buffalo City Metropolitan Spatial Planning and Land Use Management by law of 2016, approval is hereby granted for the Removal of Restrictive Title Conditions 3 (b), (c), (d) found in Deed of Transfer T3541 / 2014, pertaining to ERF 11183 EAST LONDON**

**GENERAL NOTICE 27 OF 2021****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 1701, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon

instructions by the Local Authority, a notice is hereby given that condition/s **B.7 and B.8** in Deed of Transfer

No. **T76471/2012** and any subsequent Deed applicable to Erf **1701 Newton Park** is/are hereby removed.

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

**PROVINCIAL NOTICE 96 OF 2021**

**Nelson Mandela Bay Municipality (EASTERN CAPE)**

**REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013  
(ACT 16 OF 2013)**

**ERF 857, SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C (e) (i), C (e) (ii), C (e) (iii) and C (e) (iv) in Deed of Transfer No. T62277/1996 applicable to Erf 857 are hereby removed.

## PROVINCIAL NOTICE 97 OF 2021

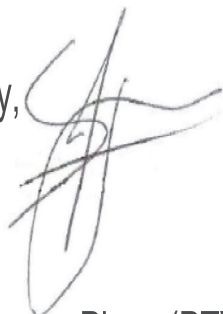
## Nelson Mandela Bay Municipality (Eastern Cape)

## REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013):

## ERF 544, Sunridge Park, Port Elizabeth, Eastern Cape

Under Section 47 of the SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions D.5.(a,b,c,d) contained in Deed of Transfer No. T67354/2005 and any subsequent Deed applicable to Erf 544, Sunridge Park are hereby removed.

Yours faithfully,



SIngram / SIngram Plans (PTY)Ltd

**S. Ingram Plans (Pty) Ltd**

Reg.No. 2015/114752/07

PO Box 10669, Linton Grange, PE, 6015

18 Glenfields Ritchie Cresc.

Kabega Park

Tel 041 360 3456 / 079 734 7696

E-mail stantoningram@vodamail.co.za

**PROVINCIAL NOTICE 98 OF 2021****THE RAYMOND MHLABA MUNICIPALITY RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022.**

Notice of the aforesaid is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of special council resolution number : RMLA 61 /2021 date 27 May 2021, to levy the rates on property reflected in the schedule below with effect from 1 July 2021 to 30 June 2022 .

<b>No.</b>	<b>Description</b>	<b>TARIFF- 2021 / 2022</b>
1	Residential	0.00837
2	Industrial	0.01725
3	Business/commercial	0.01725
4	Agriculture properties :	0.00209
5	> State- owned properties-Government	0.02512
6	Municipal properties	ZERO RATED
7	Public service infrastructure	0.00209
8	Privately Owned Town serviced by owner	0.00837
9	Public benefit organization	0.00
10	Properties used for multiple purposes	based on predominant use of property
11	Vacant Land	0.01193
12	Sectional Title	0.008374

Full details of the Council resolution on rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.raymondmhlaba.gov.za](http://www.raymondmhlaba.gov.za)) and all public libraries and Municipal Offices .

NAME: U T Malinzi

MUNICIPAL MANAGER

RAYMOND MHLABA MUNICIPALITY

## PROVINCIAL NOTICE 99 OF 2021

**Nelson Mandela Bay Municipality (Eastern Cape)****REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013):****ERF 4138, Lorraine, Port Elizabeth, Eastern Cape**

Under Section 47 of the SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B1 (a), (b), (c) in Deed of Transfer No. T000086915/2007 applicable to Erf 4138, Lorraine are hereby removed.

Yours faithfully,



Singram / Singram Plans (PTY)Ltd

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

**LOCAL AUTHORITY NOTICE 170 OF 2021**

# **MHLONTLO LOCAL MUNICIPALITY**



## **CREDIT CONTROL AND DEBT COLLECTION BYLAW**

**(FOR IMPLEMENTATION ON 1 JULY 2021)**



**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

**Table of Contents**

	<b>Page</b>
Preamble .....	2
1. Purpose .....	2
2. Definitions .....	3
3. Principles .....	5
4. Duties and Functions .....	5
4.1 Duties and functions of Council.....	5
4.2 Duties and functions of the Mayor.....	6
4.3 Duties and functions of the Accounting Officer .....	6
4.4 Duties and functions of Communities, Ratepayers and Residents.....	7
4.5 Duties and functions of Councillors.....	7
5. Area of Application.....	7
6. Application for Services.....	7
7. Deposits and Guarantees .....	<b>Error! Bookmark not defined.</b>
8. Accounts and Billing .....	8
9. Rates and Refuse Charges .....	9
10. Sundry Debtor Accounts.....	9
11. Valuation of Properties .....	9
12. Payment of Accounts .....	9
13. Interest on Arrear Debt .....	9
14. Recovery of Rates from Owners, Tenants, Occupiers and Agents .....	10
15. Debt Collection .....	11
16. Arrangements to pay Arrear Debt.....	13
17. Indigent Debtors.....	16
18. Debt of Absconded Owners .....	16
19. Staff and Councillors – Payment of Arrears.....	16
20. Provision for bad debts .....	16
22. Payment Facilities and Methods .....	17
23. Enquiries and Appeals .....	17
24. Tendering for Business .....	17
25. Communication .....	18
26. Reporting and Performance Management .....	18
27. Income Collection Target .....	18
28. Application of the Bylaw .....	19
29. Implementation and Review of this Bylaw.....	19

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION BYLAW**

**Preamble**

Whereas s152(1)(b) of the Constitution of the Republic of South Africa Act 108 of 1996 ('the Constitution') provides that one of the objects of local government is to ensure that the provision of services to communities occurs in a sustainable manner;

And whereas s153(a) of the Constitution provides that a municipality must structure its administration, budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community;

And whereas s195(1) of the Constitution provides that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including:

- the promotion of the efficient, economic and effective use of resources;
- the provision of services impartially, fairly, equitably and without bias; and
- The fact that people's needs must be responded to.

And whereas s4(1) of the Local Government: Municipal Systems Act 32 of 2000 ('the Systems Act') provides that the Council of a municipality has the right to finance the affairs of the municipality by charging fees for services, imposing surcharges on fees, rates on property and to the extent authorised by national legislation, other taxes, levies and duties;

And whereas s5(1)(g), read with (2)(b), of the Systems Act provides that members of the local community have the right to have access to municipal services which the municipality provides, provided that, where applicable and subject to the bylaw for indigent debtors, pay promptly for service fees, surcharges on fees, other taxes, levies and duties imposed by the municipality;

And whereas s6(2)(c), (e) and (f) of the Systems Act provides that the administration of a municipality must take measures to prevent corruption; give members of a local community full and accurate information about the level and standard of municipal services that they are entitled to receive; and inform the local community about how the municipality is managed, and of the costs involved and the persons in charge;

And whereas Chapter 9, s95, 96, 97, 98, 99 and 100 of the Systems Act provides for Customer Care Management, Debt Collection responsibility of the municipality, contents of the bylaw and by-laws that give effect to the bylaw, supervisory authority and implementing authority.

The Credit Control and Debt Collection Bylaw of the Mhlontlo Local Municipality is hereby adopted by Council.

**1. Purpose**

It is vital to the long-term financial viability of the Mhlontlo Local Municipality that it collects the revenues (such as service charges, rates and taxes) due to it for services rendered. In terms of s96 of the Systems Act, a municipality:

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

- must collect all money that is due and payable to it subject to this Act and any other applicable legislation; and
- for this purpose, must adopt, maintain and implement a credit control and debt collection bylaw, which is consistent with rates and tariff bylaw and complies with the provisions of this Act. This means that appropriate credit control and debtors' mechanisms must be maintained. The services provided by the Mhlontlo Local Municipality include electricity, refuse removal and other municipal services.

## **2. Definitions**

Act	The Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended from time to time
Arrangement	A written agreement entered into between the municipality and the debtor where specific repayment arrangements are agreed to
Arrears	Means those rates and service charges that have not been paid by the due date and for which no arrangement has been made
Authorised representative	Person or entity legally appointed by the Council to act or to fulfill a duty on its behalf
Accounting Officer	The person appointed as Accounting Officer in terms of s82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and include any person acting in that position or to whom authority was delegated
CFO	The person appointed as the Chief Financial Officer of the municipality, or his or her nominee
Council	The Municipal Council (as referred to in s157 of the Constitution) of the Mhlontlo Municipality established by part 7 of provincial notice 80, dated 27 September 2000
Credit control	All the functions relating to the collection of monies owed by ratepayers and the users of municipal services
Customer	Any occupier of any premises to which the municipality has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the municipality
Defaulter	Any person who owes the municipality arrear monies in respect of rates and/or service charges
Engineer	The person in charge of the civil/infrastructure/technical and/or electrical department of the municipality
Equipment	A building or other structure, pipe, pump, wire, cable, meter, engine or any accessories
Interest	A charge levied with the same legal priority as service fees and calculated at a rate determined by the municipality from time to time on all arrear monies
Municipal account	An account rendered specifying charges for services provided by the municipality, or any authorised and contracted service provider, and/or assessment rates levies
Municipality	Refers to Mhlontlo Local Municipality
Municipal services	Those services provided by the municipality, such as, inter alia:

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

	-the supply of electricity, refuse removal and other municipal services for which services charges are levied
Occupier	Any person who occupies any property or part thereof, without regard to the title under which he or she occupies the property
Owner	<p>The person in whom from time to time is vested the legal title to premises</p> <p>In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative</p> <p>In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon</p> <p>In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof</p> <p>In relation to: 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 A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person</p> <p>Any legal person including but not limited to: i) A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust, a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a voluntary association; ii) Any department of State; any Council of Board established in terms of any legislation applicable to the Republic of South Africa; iii) Any Embassy or other foreign entity</p>
Premises	<p>Includes any piece of land, the external surface, boundaries of which are delineated on:</p> <p>-A general plan or diagram registered in terms of the Land Survey Act, 1927 (9 of 1927), or in terms of the Deed Registry Act, 1937 (47 of 1937); or -A sectional plan registered in terms of the Sectional Titles Act, 1986 (95 of 1986), which is situated within the area of jurisdiction of the Council;</p>

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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### **3. Principles**

- 3.1 The administrative integrity of the municipality must be maintained at all costs. The democratically elected Councillors are responsible for bylaw making, while it is the responsibility of the Accounting Officer to ensure the implementation of the bylaw.
- 3.2 All customers must complete an official application form, formally requesting the municipality to connect them to service supply lines. Existing customers may be required to complete new application forms from time to time, as determined by the Accounting Officer.
- 3.3 A copy of the application form, conditions of services and extracts of the relevant Council's credit control and debt collection bylaw and by-laws must be handed to every customer on request at such fees as may be prescribed by Council.
- 3.4 Upon change of ownership, the municipality must advise the new owner in writing that the relevant bylaw are available at the municipality for their perusal.
- 3.5 All relevant billing is to be accurate, timeous and understandable.
- 3.6 The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 3.7 The customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.
- 3.8 Enforcement of payment must be prompt, consistent and effective.
- 3.9 Incentives and disincentives may be used in collection procedures as determined by Council from time to time.
- 3.10 The collection process must be cost-effective.
- 3.11 Results will be regularly and efficiently reported by the Accounting Officer and the Mayor.
- 3.12 Application forms will be used to, inter alia, categorise customers according to credit risk and to determine relevant levels of services and deposits required.
- 3.13 Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.

### **4. Duties and Functions**

#### **4.1 Duties and functions of Council**

- To approve a budget consistent with the needs of communities, and residents.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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- To impose rates and taxes and to determine service charges, fees, penalties and the interest rate on arrear debt to finance the budget.
- To facilitate sufficient funds to give access to basic services for the poor.
- To provide for a bad debt provision, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the municipality.
- To set an improvement target for debt collection, in line with acceptable accounting ratios and the ability of the Implementing Authority.
- To approve a reporting framework for credit control and debt collection.
- To consider and approve by-laws to give effect to the Council's bylaw.
- To monitor the performance of the Mayor (Supervising Authority) regarding credit control and debt collection.
- To revise the budget should Council's targets for credit control and debt collection not be met.
- To take disciplinary and/or legal action against Councillors, officials and agents who do not execute Council bylaw and by-laws, or act improperly in terms of such bylaw.
- To approve a list of attorneys/agents or 3<sup>rd</sup> parties appointed that will act for Council in all legal matters relating to debt collection.
- To delegate the required authority to monitor and execute the credit control and debt collection bylaw to the Mayor and Accounting Officer and/or Service Provider respectively.
- To provide sufficient capacity in the Municipality's Finance Department for credit control and debt collection alternatively to appoint a Service Provider, or debt collection agent.
- To assist the Accounting Officer in the execution of his or her duties, if and when required.
- To provide funds for the training of staff.

**4.2 Duties and functions of the Mayor**

- To ensure that Council's budget, cash flow and targets for debt collection are met and executed in terms of the bylaw and relevant by-laws.
- To monitor the performance of the Accounting Officer in implementing the bylaw and by-laws.
- To review and evaluate the bylaw and by-laws in order to improve the efficiency of Council's credit control and debt collection procedures, mechanisms and processes.
- To report to Council.

**4.3 Duties and functions of the Accounting Officer**

- To implement good customer care management systems.
- To implement Council's credit control and debt collection bylaw.
- To install and maintain an appropriate accounting system.
- To bill customers.
- To demand payment on due dates.
- To raise penalties and interest for defaults, as determined by Council from time to time.
- To appropriate payments received.
- To collect outstanding debt.
- To provide different payment methods.
- To determine credit control and debt collection measures.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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- To determine all relevant work procedures for, inter alia, public relations, arrangements, disconnections of services, summonses, attachments of assets, sales in execution, write-off of debts, sundry debtors and legal processes.
- To instruct attorneys to proceed with the legal process (i.e., attachment and sale in execution of assets, emolument attachment orders, etc.).
- To set performance targets for staff.
- To appoint staff to execute Council's bylaw and by-laws in accordance with Council's staff bylaw.
- To delegate certain functions to heads of departments.
- To determine control procedures.
- To monitor contracts with service providers in connection with credit control and debt collection.
- To report to the Mayor.

**4.4 Duties and functions of Communities, Ratepayers and Residents**

- To fulfill certain responsibilities, as brought about by the privilege and or right to use and enjoy public facilities and municipal services.
- To pay service fees, rates on property and other taxes, levies and duties imposed by the municipality.
- To observe the mechanisms and processes of the municipality in exercising their rights.
- To allow municipal officials access to their property to execute municipal functions at a time that is agreeable by the consumer and municipal officials.
- To comply with the by-laws and other legislation of the municipality.
- To refrain from tampering with municipal services and property.

**4.5 Duties and functions of Councillors**

- To hold regular ward and community meetings.
- To adhere to and convey Council bylaw to residents and ratepayers.
- To adhere to the Code of Conduct for Councillors.
- Ward Committees and Councillors will act in terms of roles and functions as approved by Council.

**5. Area of Application**

This bylaw applies throughout the demarcated area of Mhlontlo Municipality, where the municipality is providing services and/or charges rates on property.

**6. Application for Services**

- A consumer who requires the provision of municipal services must apply for the service from the municipality.
- The application for the provision of municipal services must be made by the registered owner of an immovable property.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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- The municipality will not entertain an application for the provision of municipal services from a tenant of a property, or any other person who is not the owner of the property.
- The only exception to the above is that individuals and businesses with lease agreements to lease properties from the municipality and government departments will be allowed to open an account in the name of the lessee of the property
- An agent may with a proxy open an account in the name of the owner.
- The application for the provision of municipal services must be made in writing on the prescribed application form that is provided by the municipality.
- By completing the prescribed application form for the provision of municipal services the consumer of services enters into an agreement with the municipality.
- The agreement with the municipality must make provision for the following: -
  - An undertaking by the owner that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on an attorney / client basis;
  - An acknowledgement by the owner that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account; and
  - That the onus will be on the owner to ensure that he or she is in possession of an account before the due date.
  - An undertaking by the municipality that it shall do everything in its power to deliver accounts timeously.
- The application for the provision of municipal services shall be made at least ten (10) days prior to the date on which the services are required to be connected.
- On receipt of the application for provision of municipal services, the municipality will cause the reading of metered services linked to the property to be taken on the working day preceding the date of occupation.
- The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.
- No rates clearance certificate will be provided to a new owner of any property unless the agreement is signed by the new owner.

**7. Accounts and Billing**

- The municipality shall provide all customers with a monthly consolidated account for municipal service rendered, which account shall be generated on a monthly basis in cycles of approximately thirty (30) days.
- The monthly consolidated account can include property rates charges, in which case they shall comply with section 27 of the Municipal Property Rates Act No. 6 of 2004.
- All accounts rendered by the municipality shall be payable on the due date.
- Account balances which remain unpaid 30 days after the due date shall attract interest on arrears, irrespective of the reasons for non-payment.
- All accounts are payable as above regardless of the fact that the customer has not received the account, the onus being on the customer to obtain a copy of the account before the due date.



**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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**8. Rates and Refuse Charges**

- Rates and refuse charges shall be billed annually or monthly, as agreed by the municipality with the customer.
- Property rates and refuse charges which are levied annually shall be billed in terms of the July account of each year.
- Property rates and refuse charges which are levied on a monthly basis shall be billed in terms of monthly accounts.
- The tariffs to calculate property rates and refuse charges are determined annually, approved by Council and contained in the tariff book produced by the municipality.

**9. Sundry Debtor Accounts**

- Sundry debtor accounts may be rendered by the municipality from time to time.
- Any sundry debtor account shall be included in the monthly consolidated account produced by the municipality.

**10. Valuation of Properties**

All properties within the boundaries of Mhlontlo Municipality are to be valued in terms of the legislation applicable to the valuation of properties for the purpose of levying property rates.

**11. Payment of Accounts**

- All accounts rendered by the municipality are due and payable on the due date.
- All payments, whether made by cash, stop order, electronic payments or payments made through agents must be receipted by the municipality by the close of business on the due date. Cheques will not be accepted as payment of an account except in the case of rates and service charges (all other payments must be made by a bank guarantee cheque). Where a cheque has been dishonoured the person issuing the cheque shall not be allowed to pay by cheque in future.
- Accounts rendered by the municipality can be paid at any municipal cashier office and any other pay point as determined by the Municipal Manager from time to time.
- The payment methods and facilities supported by the municipality can be used to make payments on accounts.
- Payments received in respect of rates and service charges will be allocated by the municipality entirely within its discretion, on the account of the debtor.
- Part payment received on an account shall be allocated firstly to reduce any penalty charges that may have accrued on the account.
- An official receipt issued by the municipality will be the only proof of payments made.

**12. Interest on Arrear Debt**

- Account balances which remain unpaid after the due date shall attract interest of 5% irrespective of the reason for non-payment.
- The following categories of arrear debt shall not attract interest on arrears: -

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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- Indigent debt.
- Closed accounts.
- Deceased estates.
- Insolvent estates.
- Debtors under administration (administration portion only).
- The first 30 days after delivery date for all service arrears.
- Interest on arrear debt shall be calculated for each month for which such payment remains unpaid and part of a month shall be deemed to be a month.
- No interest shall be charged on any outstanding amounts in respect of which an agreement had been concluded for the payment by way of installment thereof, provided the installment is paid in full by the due date.

**13. Recovery of Rates from Owners, Tenants, Occupiers and Agents**

- The municipality may utilise the procedures prescribed in terms of section 17 to recover rates arrears from the owner of immovable property.
- Alternatively, the municipality may recover rates arrears in whole or in part from a tenant or occupier of the immovable property, despite any contractual obligation to the contrary on the tenant or occupier. The municipality may recover an amount only after the municipality has served a written notice on the tenant or occupier.'
- The amount the municipality may recover from the tenant or occupier of a property is limited to the amount of rent or other money due and payable, but not yet paid, by the tenant or occupier to the owner of the property.
- Any amount the municipality recovers from the tenant or occupier of the property must be set off by the tenant or occupier against any money owed by the tenant or occupier to the owner.
- The tenant or occupier of a property must, on request by the municipality, furnish the municipality with a written statement specifying all payments to be made by the tenant or occupier to the owner of the property for rent or other money payable on the property during a period determined by the municipality.
- The municipality may, despite the Estate Agents Affairs Act 1976, recover the amount due for rates on a property in whole or in part from the agent of the owner, if this is more convenient for the municipality.
- The municipality may recover the amount due for rates from the agent of the owner only after it has served a written notice on the agent.
- The amount the municipality may recover from the agent is limited to the amount of any rent or other money received by the agent on behalf of the owner, less any commission due to the agent.
- The agent must, on request by the municipality, furnish the municipality with a written statement specifying all payments for rent on the property and any other money received by the agent on behalf of the owner during a period determined by the municipality.
- The municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to the property if the owner requests such accounts in writing from the municipality.

MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)

---

#### 14. Debt Collection

- Handover of debt to debt collectors
  - Debts which have been outstanding for more than 60 days from due date shall be handed over to debt collectors appointed by the municipality for the purposes of collecting such debt.
  - If the debt collectors are unsuccessful in collecting the debt within 90 days of same being handed over, the debt may be handed over to attorneys for legal action.
  - Only the municipal manager may hand over debts to attorneys for collection, and the Municipal Manager shall hand such debts over to attorneys for collection if they have not been collected by debt collectors within the aforementioned period of 90 days, unless the Municipal Manager is of the opinion that it shall not be cost effective to do so.
  - If the Municipal Manager is of the opinion that it is appropriate to do so (such as in cases of urgency), he or she may hand over debts for collection to attorneys at any time prior to the expiration of any of the periods referred to above and without first handing them to debt collectors.
  - The following types of debt will not be handed over to debt collectors.
    - (i) Debts of indigent debtors that are registered as indigent at the date of handover.
    - (ii) Government debt.
    - (iii) Debt that is being paid off as per an arrangement with the debtor.
    - (iv) Debt that has not been under internal query for at least two months.
  - The process of collecting debt by debt collectors includes: -
    - (i) The phoning of debtors.
    - (ii) Sending out demand letters.
    - (iii) Making arrangements with debtors to pay off debt in terms of the Council's credit control and debt collection bylaw.
    - (iv) Making follow-up contact with debtors on unpaid arrangements.
- Handover of debt to Attorneys for legal collection
  - Debt that could not be collected by the debt collectors and debt that requires urgent legal attention will be handed over to attorneys for legal collection.
  - The following types of debt will not be handed over to attorneys: -
    - (i) Debt of approved indigent debtors that has not yet been written off by the council.
    - (ii) Debt that is being paid off as per an arrangement with the debtor.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

---

- (iii) Debt that has not been under internal query for at least two months.
- The process of legal collection includes: -
  - (i) Final demands for payment to debtors.
  - (ii) Emolument attachment orders on debtor's salaries.
  - (iii) Summons issued for debt to be paid.
  - (iv) Default judgment be obtained against the debtor.
  - (v) The attachment of moveable properties and sale in execution of moveable property
  - (vi) The attachment of immoveable property and the sale of immoveable property.
- Section 118 of the Local Government: Municipal Systems Act No 32 of 2000
  - The municipality will issue a certificate required for the transfer of immovable property in terms of Section 118 of the Local Government: Municipal Systems Act No 32 of 2000, which is lodged with the municipality in the prescribed manner.

This is subject to all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

  - Debt older than two years on the property irrespective of whether the owner of the property accumulated the debt will also have to be paid by the owner before the transfer of the property can be affected.
  - If the owner refuses to pay the debt which is older than two years then the municipality will apply to a competent Court for an order in the following terms: -
    - (i) In the case where there is already a judgment for the payment of the amount, an order that the judgment debt be paid out of the proceeds of the sale, before the mortgage debt is settled.
    - (ii) In the case where there is no judgment debt, for an order staying transfer of the property pending the finalisation of a civil action to be instituted against the person who is in law liable for the payment of the outstanding debt.
    - (iii) The above action must be taken before the property is transferred as the statutory lien created by Section 118(3) of the Act only endures until the property has been transferred and in terms of Section 118(5) of the Act the new owner of the property cannot be held liable for the debt that became due before a transfer of a residential property took place.
- Other debt collection methods
  - The debt collection methods mentioned in the paragraphs above are not an exhaustive list of methods that can be applied to collect debts and any other methods that can be initiated will be implemented with the approval of Council.

MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)

---

- Debt Collection Costs
  - Any costs, which include collection costs, charges, disbursements and legal costs relating to any of the debt collection methods applied to collect the debt will be debited to the account of the defaulting debtor.

**15. Arrangements to pay Arrear Debt**

- **A** **Introduction**
  - One of the key objectives of debt collection is to encourage debtors to start paying their monthly accounts in full. In addition, it is also necessary to ensure that arrear debt is addressed. The current average balances on consumer accounts necessitates that innovative ideas be implemented to encourage consumers to pay off their arrears. At the same time, it is also of utmost importance that regular payers not be discouraged through the implementation of any possible incentives.
  - 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.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

---

- A debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions: -
  - (a) The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly installments;
  - (b) The current monthly amount must be paid in full; and
  - (c) The written agreement has to be signed on behalf of the Municipality by a duly authorised officer.
- 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 payment of the monthly current account is a prerequisite for concluding an arrangement.
- ***B Arrangements to Pay Outstanding and Due Amounts in Consecutive Installments – Residential Households***
  - Implementation of the following principles **(as a once off initiative and only valid for a specified period as determined by Council)** could enhance the success of debt collection to a great extent: -
    - (a) **Outstanding debt of 180 days and older**

Where a debtor pays 50% capital on his/her arrear account the other 50% capital and all the interest accumulated will be written off immediately from the provision for bad debt.

Where arrangements are made to pay off the arrear amount in installments, such an arrangement should be honoured for at least a six-month consecutive period where after capital arrears will be written off on a monthly basis on a rand for rand basis (for every one-rand capital that is paid one rand capital will be written off from the provision for bad debt). Upon paying the total capital owed all the interest accumulated will be written off immediately from the provision for bad debt.
    - (b) **Outstanding debt between 90 days and 180 days**

Capital arrears will be written off on a 50% basis (for everyone rand that is paid fifty cents will be written off from the provision for bad debt). Upon paying the total capital owed all the interest accumulated will be written off immediately from the provision for bad debt.

Where arrangements are made to pay off the arrear amount in installments, such an arrangement should be honoured for at least a six-month consecutive period where after arrears will be written off.
    - (c) **Outstanding debt between 30 days and 90 days**

Where a debtor pays 100% on his/her capital arrear debt, all the interest accumulated will immediately be written off from the provision for bad debt.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

Where arrangements are made to pay off the arrear amount in installments, such an arrangement should be honoured for at least a six-month consecutive period where after interest will be written off on a monthly basis on a rand for rand basis (for every one rand capital that is paid one rand interest will be written off until such time that all the interest has been written off from the provision for bad debt).

- A consumer who cannot pay their arrear debt may enter into an arrangement to pay the account over an extended period of time.
- During the time of the debt collection process, but before the debt is handed over to the attorneys a consumer may enter into an arrangement to pay off arrear debt.
- No arrangements will be entertained by attorneys on a debt that has been handed over for legal collection.
- The municipality will entertain only one arrangement with a consumer to pay off arrear debt.
- The consumer by signing the arrangement agreement to pay off arrear debt acknowledges the following: -

- (a) The debt is owed to the municipality.
- (b) That on default of the arrangement agreement, interest on arrears will be charged on the amount due, electricity supply will be disconnected to the property of the consumer or the consumer will be blocked from the purchase of electricity on the prepayment system, and legal proceedings will be instituted to collect the debt.
- (c) That the consumer will be liable for all costs, which includes legal costs incurred to collect the debt.

• **C Arrangements by Businesses**

- At the date of the arrangement a minimum of 50% of the capital arrear debt must be paid immediately.
- After the payment of 50% of the capital arrear debt, 50% of the interest accumulated will be written off from the provision for bad debt.
- The balance of the debt which includes the capital amount and interest must be paid over a 6 to 12-month period on an interest free basis provided payments are made monthly by the due date.
- The total monthly installment must include the current monthly charges plus the amount to pay off arrear debt.
- Arrangement by businesses to pay off arrear debt will only be entertained for debt on which debt collection actions have been taken and which actions are in an advanced stage. Failure to maintain the arrangement will result in interest being reversed and full debt collection being implemented, with no possibility of reprieve.
- Any arrangement outside of the foregoing must be approved by the Municipal Manager. This function cannot be delegated.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

---

**16. Indigent Debtors**

- An account holder (consumer) may apply, in the prescribed manner, to be regarded as an indigent debtor as defined in the Indigent Bylaw approved by the council.
- Any person who has been declared indigent shall be entitled to indigent subsidies for basic services on a basis determined by Council from time to time.
- The approved account holder shall remain responsible for any outstanding amount at the date of application as well as for future charges.
- The arrears on the accounts of households, approved as indigent, will be submitted to Council to be written off in full (including any interest charged) after the expiry of six months being registered as an indigent. This submission will only be valid as a once-off exercise after approval and will not be applicable for future consumption in excess of the approved subsidy accumulated.
- Indigent consumers must have their credit electricity meters converted to prepayment electricity meters.
- Indigent consumers with credit electricity meters are required to pay their current monthly account, which is the amount after the indigent subsidy has been deducted, every month by the due date, until the conversion to a prepaid meter has been made.

**17. Debt of Absconded Owners**

- The occupant of the property must sign an agreement in which the occupant agrees to pay all property rates and service charges that are to be raised on the property of the absconded registered owner's property.

**18. Staff and Councillors – Payment of Arrears**

- In terms of section 12A of Schedule 1 of the Local Government: Municipal Systems Act, Act no 32 of 2000 as amended, a councillor may not be in arrears to the municipality for rates and service charges for a period longer than 3 (three) months.
- In terms of section 10 of Schedule 2 of the Local Government: Municipal Systems Act, Act no 32 of 2000 as amended, a staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 (three) months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.
- Councillors and officials will also be subject to credit control actions as per this bylaw.
- All new staff joining the municipality must within thirty (30) days sign an agreement to pay arrears.

**19. Provision for bad debts**

The municipality is required to provide for doubtful debts if there is a reason to believe that the debts might not be recovered.

Basis for determination of debt impairment should be as follows:

- The impairment of consumer debtors and other trade receivables exists predominantly due to the possibility that these debts will not be recovered. Receivables are assessed individually and grouped together where applicable at the Statement of Financial Position as financial assets with similar credit risk characteristics and collectively assessed for impairment.



**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

---

- In determining this allowance estimates are made about the probability of recovery of the debtors based on their past payment history. The impairment is calculated by calculating the historical payment ratios for individual debtors and by assuming that the future payment ratios would be similar to the historical payment ratios.

**20. Payment Facilities and Methods**

- Municipal payment and enquiry facilities will be maintained subject to acceptable levels of activity when compared to the operational costs. The Accounting Officer or his or her designate has the discretion to open and close offices as required.
- The consumer acknowledges that any agent used for transmitting payments to the municipality is at the risk and cost of the consumer. In addition, the consumer must take into account the transfer time of the particular agent.
- Account payments may be made to municipal cashier office, pay point/s, by stop/debit order. The municipality shall actively monitor the effectiveness of pay facilities, methods and convenience for consumers.
- Payments received in respect of rates and service charges will be allocated by the municipality entirely within its discretion, on the account of the debtor.

**21. Enquiries and Appeals**

- The enquiries office at the municipality's service center may be contacted for all account enquiries
- Any resident or consumer who may feel aggrieved concerning his or her account may address a grievance to the Chief Financial Officer or the Accounting Officer.
- A customer who has lodged an enquiry is not relieved of the responsibility to maintain regular payment of the account. An interim payment similar to the average account for the preceding three (3) months must be paid by the due date pending finalisation of the enquiry. Failure to make a payment will result in debt collection action being instituted against the customer.
- Depending on the nature of the enquiry and the resources available, the enquiry must receive a response within seven (7) days.
- If a customer has received a response and is still not convinced that the account is correct, the customer may lodge an appeal to the Accounting Officer for the resolving of the dispute.
- Such an appeal should receive response within fourteen (14) working days failing which the customer should be notified in writing of the reasons for the delay.

**22. Tendering for Business**

The Supply Chain Management Bylaw and tendering conditions of the municipality will include the following:

- When issuing an invitation to tender for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate that the bidder obtain from the municipality a certificate stating that all relevant municipal accounts owing by the bidder and/or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for payment of any arrears.
- No tender will be allocated to a person/contractor until a suitable arrangement for the repayment of arrears, has been made. No further debt may accrue during contract period.

**MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)**

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- A condition allowing the municipality to deduct any moneys owing to the municipality from contract payments.

**23. Communication**

- The Credit Control and Debt Collection bylaw will be available and will be communicated in workshop with the community during IDP roadshows.
- Councillors must from time to time, address ward committees and community meetings on the contents of the bylaw and any amendments thereto.

**24. Reporting and Performance Management**

- The Chief Financial Officer shall report monthly to the Municipal Manager in a suitable format in terms of s71 of the Municipal Financial Management Act 56 of 2003, to enable the Accounting Officer to report to the Mayor as supervisory authority in terms of s99 of the Systems Act, read with s100(c). This report shall contain particulars on:
- Cash collection statistics, showing high-level debt recovery information (numbers of customers; enquires; arrangements; default arrangements; increase or decrease of arrear debtors' balances). Where possible, the statistics should ideally be divided into wards, business (commerce and industry), domestic, state, institutional and other relevant categories.
- If in the opinion of the Chief Financial Officer, the municipality will not achieve cash receipt income equivalent of the income projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Accounting Officer who will, if he agrees with the Chief Financial Officer, immediately move for an adjustment of the budget according to realistically realisable income levels.
- The Mayor as supervisory authority shall, at intervals of three (3) months, report to Council as contemplated in s99(c) of the Systems Act.

**25. Income Collection Target**

- The long-term target is a debtor turnover ratio of 45 days, that is, debtors are expected to pay for services on average in a month and a half.

MHLONTLO LOCAL MUNICIPALITY  
CREDIT CONTROL AND DEBT COLLECTION POLICY  
(MAY 2021)

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**26. Application of the Bylaw**

- The Council reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying this bylaw. The Council will on application of the credit control and debt collection bylaw avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.

**27. Implementation and Review of this Bylaw**

- This bylaw shall be implemented once approved by Council. All future credit control actions must be made in accordance with this bylaw.
- In terms of section 17(1)(e) of the MFMA this bylaw must be reviewed on annual basis and the reviewed bylaw tabled to Council for approval as part of the budget process.

LOCAL AUTHORITY NOTICE 171 OF 2021

# **MHLONTLO LOCAL MUNICIPALITY EC156**



## **TARIFF BYLAW**

**(FOR IMPLEMENTATION ON 1 JULY 2021)**

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MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW

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INDEX

	<u>Page</u>
1.GENERAL INTRODUCTION AND OBJECTIVE .....	2
2.DEFINITIONS.....	2
3.GENERAL PRINCIPLES .....	4
4.LEVYING OF TARRIFFS.....	6
5.SUBSIDIZATION OF THE BASIC SERVICE TARIFF .....	6
6.DETERMINATION OF TARIFFS FOR MAJOR SERVICES .....	6
7.REFUSE REMOVAL.....	7
7.PROPERTY RATES .....	7
8. SUNDRY TARIFFS .....	8
8. IMPLEMENTATION AND REVIEW OF THIS BYLAW.....	8

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****1. GENERAL INTRODUCTION AND OBJECTIVE**

In terms of section 62 (1) of the Local Government: Municipal Finance Management Act (MFMA), Act no 56 of 2003, the Accounting Officer of the municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that, inter alia, the municipality has and implements a tariff bylaw referred to in section 74 of the Local Government: Municipal Systems Act (MSA), Act no 32 of 2000 as amended.

In terms of section 74 of the Municipal Systems Act the municipal council hereby adopts a tariff bylaw on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements.

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

**2. DEFINITIONS**

**“Accounting officer”** means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

**“Annual budget”** shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

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

**“By-law”** shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

**“Chief financial officer”** means a person designated in terms of section 80 (2) (a) of the Municipal Finance Management Act.

**“Councillor”** shall mean a member of the Council of the municipality.

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

**“Financial year”** shall mean the period starting from 1 July in any year and ending on 30 June of the following year.

**“Integrated development plan”** shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

**“Local community”** or **“community”**, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the

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**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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municipality, any civic organisations and non-governmental, private sector or labor organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality.

**“Month”** means one of twelve months of a calendar year.

**“Municipality”** or **“municipal area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality.

**“The municipality”** means Mhlontlo Local Municipality.

**“Municipal council”** or **“council”** shall mean the municipal council of Mhlontlo Local Municipality as referred to in Section 157(1) of the Constitution.

**“Municipal manager”** shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

**“Multiple purposes”** in relation to a property, shall mean the use of a property for more than one purpose.

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

**“Municipal tariff”** shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

**“Rate”** shall mean a municipal rate on property as envisaged in Section 229 (1) (a) of the Constitution.

**“Ratable property”** shall mean property on which the municipality may in terms of Section 2 of the Municipal Property Rates Act 2004 levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act.

**“Ratepayer”** shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

**“Rebate”** in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Municipal Property Rates Act, 2004 on the amount of the rate payable on the property.

**“Residential property”** shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Municipal Property Rates Act, 2004 as residential.

**“Tariff”** means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****3. GENERAL PRINCIPLES**

Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigency relief measures approved by the municipality from time to time).

- 3.1. The tariff structure of Mhlontlo municipality shall make provision of the following categories of customers:
- Residential (domestic)
  - Commercial/ business
  - State/Government
  - Farms
  - Municipal
  - Churches
- 3.2. In line with the principles embodied in the Constitution, and other legislation pertaining to local government, such differentiation shall at all times be reasonable and fully disclosed in the annual budget.
- 3.3. The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region
- 3.4. Tariffs for the major services rendered by the municipality, namely refuse removal, shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- 3.5. The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the foregoing services further generate an operating surplus each financial year of approximately 5% for refuse removal services or such lesser percentage as the council may determine at the time that the annual operating budget is approved.
- 3.6. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.

The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery bylaw in respect of the tariffs which it levies on registered indigents, and the implications of such bylaw for the tariffs which it imposes on other users and consumers in the municipal region.



**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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- 3.7. In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall at all times be reasonable and shall be fully disclosed in each annual budget.
- 3.8. The municipality's tariff bylaw shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- 3.9. The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff bylaw concerned.

The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.

In considering the costing of its refuse removal services the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for and that demand levels which fluctuate significantly over shorter periods are also met. This may mean that the services operate at less than full capacity at various periods, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

- 3.10. In adopting what is fundamentally a two-part tariff structure, namely a fixed availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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**4. LEVYING OF TARRIFFS**

- 4.1 The Council determines tariffs when approving its budget for a budget year. Council may determine tariffs during the course of the financial year only when:
- A new service is introduced.
  - No tariff for an existing service has previously been imposed.
- 4.2 Users will be treated equitably through differentiation for tariff purposes.
- 4.3 In terms of section 28 (6) of the MFMA Council may not increase tariffs during a financial year, except when required in terms of a financial recovery plan.
- 4.4 Council shall give authority to levy tariffs by passing a majority resolution during the budget approval process.

**5. SUBSIDIZATION OF THE BASIC SERVICE TARIFF**

- 5.1 Basic level consumption of any service may be subsidized by a higher level tariff, depending on legislative requirement.
- 5.2 Domestic consumers may have consumption subsidized from allocations received from National Income such as the Equitable Share.

**6. DETERMINATION OF TARIFFS FOR MAJOR SERVICES**

- 6.1 In order to determine the tariffs which must be charged for the supply of the major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:
- Depreciation expenses.
  - Maintenance of infrastructure and other fixed assets.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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- Administration and service costs, including:
  - service charges levied by other departments such as finance, human resources and legal services;
  - reasonable general overheads, such as the costs associated with the office of the municipal manager;
  - adequate contributions to the provisions for bad debts and obsolescence of stock.

6.2 It is essential to take into consideration the following needs while determining a tariff structure: -

- The need to reflect costs as accurately as possible in order to achieve cost effectiveness;
- The need to ensure equality and fairness between user groups;
- The need for a practically implementable tariff;
- The need to use appropriate metering and provisioning technology;
- The need for an understandable tariff; and
- The user's ability to pay.

6.3 The cost of approved indigence relief measures.

**7. REFUSE REMOVAL**

7.1 The categories of refuse removal users as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.

7.2 Tariff adjustments shall be effective from 1 July each year.

7.3 A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned:

- Domestic and other users (once weekly removal).
- Business and other users (twice weekly removal).
- Business and other users (thrice weekly removal).
- Business and other (bulk consumers).
- Hospitals
- Government

7.4 Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget.

7.5 A fixed monthly charge shall be charged to the municipality's departments equal to the lowest (domestic) tariff.

**8. PROPERTY RATES**

8.1 Property rates are levied as determined by Council from time to time and is covered in the Property Rates Bylaw and Bylaw of the Mhlontlo Municipality.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****9. SUNDRY TARIFFS**

- 9.1 All other services offered by the Council are charged at a tariff as determined by the Council annually during the budget process. Tariffs should at least cover the basic cost of these services.

**10. IMPLEMENTATION AND REVIEW OF THIS BYLAW**

- 10.1 This bylaw shall be implemented once approved by Council. All future tariff charges must be considered in accordance with this bylaw.
- 10.2 In terms of section 17(1) (e) of the Municipal Finance Management Act this bylaw must be reviewed on annual basis and the reviewed bylaw tabled to Council for approval as part of the budget process.

Authority	Approval Date	Signature/Resolution number
Section Head		
Head of Department		
Accounting Officer		
Council		

**LOCAL AUTHORITY NOTICE 172 OF 2021**

Issued by the Department of Cooperative Governance on 10 April 2014

**MHLONTLO LOCAL MUNICIPALITY**

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO.6 of 2004).**

**Date: 31 May 2021**

**MUNICIPAL NOTICE NO: 02 of 2021**

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 29/05/2020, the Council resolved by way of council resolution number **03-2020/2021**, to levy the rates on property reflected in the schedule below with effect from 1 July 2021.

<b>Category of property</b>	<b>Cent amount in the Rand rate determined for the relevant property category</b>
Residential property	R 0.008481
Business and commercial property	R 0.018698
Industrial property	R 0.018698
Agricultural property	R 0.002120
Properties owned by the organ of state and used for public service purposes	R 0.017090

Issued by the Department of Cooperative Governance on 10 April 2014

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.municipality.gov.za](http://www.municipality.gov.za)) and all public libraries.

NAME: T.P. Mase

DESIGNATION: Municipal Manager

047-5537000

96 LG Mabindla Street

QUMBU

5180

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**LOCAL AUTHORITY NOTICE 173 OF 2021**  
**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

**ERF 383 PATENSIE**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 27 March 2020, removed conditions **E(a)2** and **E(a)3** applicable to ERF 383, Patensie as contained in Deed of Transfer **T116568/1998** in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, Kouga Municipality, 2016

## LOCAL AUTHORITY NOTICE 174 OF 2021



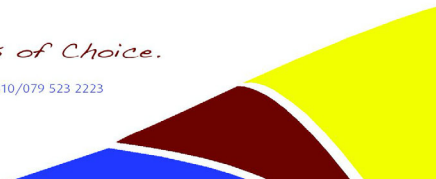
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**Fax:** 039 737 3611

### MATATIELE LOCAL MUNICIPALITY

#### **BYLAWS RELATING TO KEEPING OF ANIMALS, BIRDS, POULTRY, CATS, DOGS AND PETS AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY, CATS, DOGS AND PETS**

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**Police(SAPS):** 039-7379904/9905 **Water:** 082 520 1476 **Ambulance:** 10177 **Traffic:** 079 522 9774







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### ***Definitions***

1. Definitions
2. Application of By-laws
3. Premises for the keeping of livestock and kennels
4. Keeping of animals, poultry and birds
5. Permits for keeping of animals and poultry

## **CHAPTER II KEEPING OF CATTLE, HORSES, MULES AND DONKEYS**

6. Requirements for premises
7. Duties of keeper of cattle, horses, mules and donkeys

## **CHAPTER III KEEPING OF PIGS**

8. Requirements for premises
9. Duties of keeper of pigs

## **CHAPTER IV KEEPING OF GOATS AND SHEEP**

10. Requirements for premises
11. Duties of keeper of goats and sheep

## **CHAPTER V KEEPING OF POULTRY**

12. Requirements for premises
13. Duties of keeper of poultry

## **CHAPTER VI KEEPING OF RABBITS**

14. Requirements for premises

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15. Duties of keeper of rabbits

#### **CHAPTER VII KEEPING OF BIRDS**

16. Requirements for premises  
17. Duties of keeper of birds

#### **CHAPTER VIII DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY**

18. Requirements for conducting business

#### **CHAPTER IX DOG KENNELS AND CATTERIES**

19. Requirements for premises  
20. Duties of person in control of kennels or catteries

#### **CHAPTER X PET SHOPS AND PET SALONS**

21. Requirements for premises  
22. Duties of trader

#### **CHAPTER XI HAWKING OF POULTRY AND RABBITS**

23. Requirements for hawking  
24. Duties of hawker

#### **CHAPTER XII MISCELLANEOUS**

25. Draining  
26. Discharge of taps

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27. Nuisance
28. Illness attributable to animals
29. Inspection
30. Offences and Penalties
31. Repeal
32. Application

## SCHEDULE 1 : APPLICATION FOR PERMIT

## SCHEDULE 2 : PERMIT

### CHAPTER I GENERAL

#### 1. DEFINITIONS

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

“adequate” means adequate in the opinion of the Council;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“bird” means a feathered vertebrate other than poultry;

“cattery” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Council” means a municipal council referred to in section 157(1) of the Constitution;

“dwelling” means any building or part thereof used for human habitation;

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**“enclosure”** in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

**“Health Officer”** means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

**“kennels”** means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

**“livestock”** means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

**“nuisance”** means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);

**“permit holder”** means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;

**“person in control”** means the person actually managing or actually in control of a premises or a business;

**“pet”** means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

**“pet salon”** means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

**“pet shop”** means the business of keeping and selling pets on premises;

**“pigsty”** means a building, structure or enclosure in which pigs are kept;

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**“poultry”** means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

**“poultry house”** means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

**“poultry run”** means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

**“premises”** means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

**“public place”** means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

**“rabbit hutch”** means any roofed-over building or structure, other than one in which a battery systems is operated, in which rabbits are kept;

**“rabbit run”** means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

**“stable”** means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

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

## 2. OBJECTIVES OF THE BY-LAWS

- (1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Matatiele area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions by managing livestock, pets and the businesses involved in their keeping.

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### 3. APPLICATION OF BY-LAWS

- (1) The provisions of these By-laws must not apply to –
- (a) the keeping of cows for commercial milk production;
  - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
  - (c) any laboratory where animals, poultry or birds are kept for research purposes,

Provided that the Health Officer, may, if he or she is satisfied that the application /of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 3, 4, 5, 10 and 11 shall do not apply to the temporary keeping of a goat on any land for the provision of milk for medical reason, provided the Medical Officer of Health has approved the keeping of such goat and no nuisance arises from the keeping of the goat.

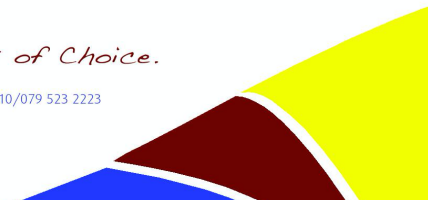
(3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 apply only to premises which are newly constructed, reconstructed or converted after the commencement of these by-laws: Provided that the Medical Officer of Health may, if he or she is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he or she may specify and within the reasonable time specified in the notice.

### PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

4. No person must -

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- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock such as urban area (residential, commercial) and the maintenance of kennels but the foregoing must not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent;
- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent but in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent.

#### **KEEPING OF ANIMALS, POULTRY AND BIRDS**

5. No person must keep any animal, poultry or bird in or on any premises -

- (a) which does not comply with the provisions of these By-laws; or
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Municipality or Health Officer, likely to cause a nuisance or injury to health.

#### **PERMITS FOR KEEPING ANIMALS AND POULTRY-**

6. (1) No person shall:

- (a) keep any animal, other than a cat dog, or more than ten (10) rabbits or poultry in excess of twenty (20), unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto: provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
- (b) keep any animal or poultry in excess of a number specified in such permit, provided that progeny of any animal still suckling, shall not be taken into account;

(2) application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto;

(3) a permit shall not be transferable and shall expire on the date on which the permit the permit holder ceases to keep the animal or poultry for which the permit was issued;

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(4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence;

(5) The Council may cancel a permit issued in terms of subsection (1)(a), if –

- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws;
- (b) the permit holder contravenes, or fails to comply with any such provision;
- (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
- (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health, to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
- (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
- (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws; or
- (g) in the opinion of the health officer, a public nuisance exists due to the keeping of the animals.

(6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

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#### DUTIES OF KEEPER OF ANIMALS, BIRDS OR POULTRY

7. (1) Every person keeping animals must-

- (a) maintain the premises, any equipment, apparatus, container and receptacles used in connection with such keeping in a clean and sanitary condition and in good repair;
- (b) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin; and
- (c) remove all manure from the stable, pigsty and the enclosure at least once every 7 days from the enclosure, building or shed for goats and sheep;
- (d) ensure that the manure is disposed of in a manner which will not create a nuisance.

(2) Every person keeping birds and poultry must-

- (a) maintain the premises free from offensive odours arising from the keeping of birds and poultry; and
- (b) ensure that poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

#### CHAPTER II

#### KEEPING OF CATTLE, HORSES, MULES AND DONKEYS.

#### REQUIREMENTS FOR PREMISES

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8. For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided-
- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
  - (b) the internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;
  - (c) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained;
  - (d) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
  - (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
  - (g) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

#### **DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS**

9. Every person keeping any cattle, horse, mule or donkey shall -
- (a) ensure that any such animal is kept within a stable or enclosure;
  - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair

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- (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin

### CHAPTER III

#### KEEPING OF PIGS.

##### REQUIREMENTS FOR PREMISES

10. (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided-

- (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
- (b) the pigsty must have a floor area of at least 3 m<sup>2</sup> for each pig to be accommodated therein, with an overall minimum floor area of 6 m<sup>2</sup>;
- (c) the junction between the walls and the floor must be covered;
- (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
- (e) the pigsty must be so constructed as to prevent the pigs from breaking out;

(2)

##### DUTIES OF A PIG KEEPER

11. A person keeping any pigs in any premises must -

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- (a) ensure that the pigs are kept in a pigsty;
- (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair
- (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin

#### CHAPTER IV

#### KEEPING OF GOATS AND SHEEP.

##### REQUIREMENTS FOR PREMISES

12. For the keeping of any goat or sheep, premises complying with the following requirements must be provided-
  - (a) an enclosure with an area of at least 1,5 m<sup>2</sup> for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m<sup>2</sup>;
  - (b) if a building or shed is provided for such keeping, it must comply with the following requirements-
    - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish;
    - (ii) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
  - (c) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and

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- (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

#### **DUTIES OF KEEPER OF GOATS AND SHEEP**

- 13. Every person keeping any goat or sheep must -
  - (a) ensure that every such animal is kept within an enclosure, building or shed;
  - (b) maintain the premises and any equipment, apparatus, container and acceptable used in connection with such keeping in clean and sanitary condition and in good repair
  - (c) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches and other vermin

### **CHAPTER V**

#### **KEEPING OF POULTRY.**

##### **REQUIREMENTS FOR PREMISES**

- 14. For the keeping of poultry, premises complying with the following requirements must be provided-
  - (a) a poultry house complying with the following requirements-
    - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
    - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
    - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;

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- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;

#### DUTIES OF KEEPER OF POULTRY

15. Every person keeping poultry must -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in clean, sanitary condition and in good repair
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system an allcages clean and free frim vernim
- (d) ensure that such poultry do not disturb of hinder the comfort, convenience, peace and quiet of the public
- (e) take effective measures fir the prevention of harbouring and breeding and for the destruction of flies, coackroaches, rodents and other vernimand for the prevention of offensive odours arising from keeping of poultry
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;

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- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.

## CHAPTER VI

### KEEPING OF RABBITS.

#### REQUIREMENTS FOR PREMISES

16. For the keeping of rabbits premises complying with the following requirements must be provided-
- (a) a rabbit hutch complying with the following requirements-
    - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
    - (ii) the floor surface, which must be at least 150 mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor must be graded to a channel
    - (iii) natural light and ventilation must be provided;
    - (iv) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;

#### DUTIES OF KEEPER OF RABBITS

17. Every person keeping rabbits must -

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- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain any premises and equipment, apparatus, container or receptacle used in connection with such keeping in clean any sanitary good condition and in good repair
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin
- (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, coackroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of rabbits on the premises
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (f) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

## CHAPTER VII

### KEEPING OF BIRDS.

#### REQUIREMENTS FOR PREMISES

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18. For the keeping of birds in an aviary, premises complying with the following requirements must be provided-

- (a) the aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes;
- (b) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (c) a portable supply of water must be provided adequate for drinking and cleaning purpose.

### DUTIES OF A KEEPER OF BIRDS

19. Every person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of birds on the premises
- (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public

## CHAPTER VIII

### DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

#### REQUIREMENTS FOR CONDUCTING BUSINESS

20. (1) Every person conducting the business of a dealer or speculator in

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livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2)

(2)

- (a) An enclosure with an area of at least 10 m<sup>2</sup> per head of cattle, horse, mule or donkey and 1,5 m<sup>2</sup> per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m<sup>2</sup> must be provided.
- (b)
  - (i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of different sexes are employed in the keeping of animals or poultry;
  - (ii) every such change room must have a floor area of at least 0,5 m<sup>2</sup> per employee, subject to an overall minimum area of 6,5 m<sup>2</sup> and a minimum width of 2,1 m;
  - (iii) every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee;
  - (iv) for each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
- (c)
  - (i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
  - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
- (d) Soap and towelling must be provided at the wash hand basin and shower-bath.
- (e) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.

(3) In respect of employees resident on or at the premises -

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- (a) sleeping accommodation equipped with a bed for each such employee must be provided;
- (b)
  - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
  - (ii) every hand basin, shower or bath must have a constant supply of hot and cold running water laid on and be drained

## CHAPTER IX

### DOG KENNELS AND CATTERIES

#### REQUIREMENTS FOR PREMISES

- 21.
  - (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (11), inclusive are complied with.
  - (2) Every dog or cat must be kept in an enclosure complying with the following requirements:
    - (a) It must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
  - (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
    - (a) Every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
    - (b) The floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved.

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- (c) Every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.

#### DUTIES OF PERSON IN CONTROL OF KENNELS OR CATERIES.

22. Any person in control of kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) keep any sick dog or cat in isolation facilities required in terms of section 19 (10)
- (c) ensure that the cats and dogs kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public
- (d) (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
- (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
- (e) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles
- (e) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;

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- (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
- (h) keep any sick dog or cat in the isolation facilities
- (i) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

### 23. Dogs or cats in streets or public places

- (1) the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.
- (2) Except in the event of a blind person being lead by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
- (3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

### 24. Control of dogs

- (1) No person who owns or keeps a dog may –
  - (a) permit a bitch on heat to be in a street or public place without supervision;
  - (b) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
  - (c) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
  - (d) permit a dog –
    - (i) to trespass on private property;
    - (ii) to constitute a hazard to traffic using any public road;
    - (iii) to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
    - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.
  - (e) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by–

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- (i) barking, yelping, howling or whining;
  - (ii) by behaving in any other manner.
- (2) The municipality may seize and impound a dog which is found in a street or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of subsection (2) may be released to the owner upon payment of a fee determined by the municipality.
- (4) A person who contravenes a provision of subsection (1) commits an offence.

## **CHAPTER X PET SHOPS AND PET SALONS**

### **REQUIREMENTS OF PREMISES**

25. No person must conduct a business of a pet shop or pet salon in or on any premises -
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
  - (b) unless the premises are constructed and equipped in accordance with the following requirements:
    - (i) Every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
    - (iii) The floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.

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- (iv) The ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
- (v)
  - (aa) A rodent proof store-room, with a floor area of not less than 16 m<sup>2</sup> must be provided.
  - (bb) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
- (vi) Facilities for the washing of cages, trays and other equipment must be provided—
- (vii)
  - (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (viii) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.

#### DUTIES OF TRADER

26 Every person who conducts the business of a pet shop must -

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with-

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- (i) the cages shall be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
  - (ii) maintain the premises and every cage, tray, container, basket and all apparatus, equipment and appliances used in connection with pet shop, in clean sanitary conditions free from vermin and in good repair
  - (iii) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises
  - (iv) every cage must be of such size and mass and so placed that it can be readily moved;
  - (v) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;
  - (vi) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
  - (vii) the distance from any cage to the nearest wall must at all times be not less than 150 mm;
  - (viii) the cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed;
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;

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## CHAPTER XI

### HAWKING OF POULTRY AND RABBITS

#### REQUIREMENTS FOR STREET TRADING

27. No person must sell in the street poultry or rabbits, unless the following requirements are complied with-

- (a) the business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
- (b) a vehicle of sound construction and bearing the name of the street trader, together with his or her residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (c) that part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made;
- (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
- (e) (ii) such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;

#### DUTIES OF STREET TRADER

28. Every person selling poultry or rabbits in the street must -

- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;

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Fax: 039 737 3611

- (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
- (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
- (d) store all feed in rodent proof receptacles or storeroom.

## CHAPTER XII

### MISCELLANEOUS

#### DRAINING

29. All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, must be drained to an external gully, connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council

#### 30. DISCHARGE OF TAPS

The taps at all water supply points required in terms of these Bylaws, other than those within a building or structure the floors of which are graded or drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by the Council

#### NUISANCE

31. No person must -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
  - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
  - (b) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

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Tel: 039 737 3135  
Fax: 039 737 3611

#### ILLNESS ATTRIBUTABLE TO ANIMALS

32. The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

#### INSPECTIONS

33. The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
  - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
  - (d) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

#### PROVISIONS OF CAMPS

34. The Municipality may reserve and fence off or conditionally allow to be fenced off such portions of land within its area of its jurisdiction, as may be deemed desirable by the municipality and establish a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

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## OFFENCES AND PENALTIES

### 35. (1) Any person –

- (a) who contravenes or fails to comply with any provision of these By-laws;
  - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
  - (c) who fails or refuses to give access to premises to the health officer or any officer when requested to give such access;
  - (d) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
  - (e) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
  - (f) fails or refuses to comply with a notice in terms of section 2 is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine not exceeding R1000.00 (One Thousand Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R50.00 (Fifty Rand) or , in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It shall be competent defence if a person referred to in subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

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### 36. REPEAL OF BY-LAWS

These By-laws relating to the keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry or Pets for the Matatiele Local Municipality are hereby repealed be replaced by these Bylaws, which are to become effective on promulgation hereof.

### 37. APPLICATION

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

(19-26-2)

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**LOCAL AUTHORITY NOTICE 175 OF 2021**

ENOCH MGIJIMA

LOCAL MUNICIPALITY

Notice No. 05/06/2021

Date 31 May 2021

Enoch Mgijima Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of resolution 42/2021 adopted the Municipality's Property Rates By-law set out hereunder.

**ENOCH MGIJIMA LOCAL MUNICIPALITY****MUNICIPAL PROPERTY RATES BY-LAW****PREAMBLE**

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

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

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

NOW THEREFORE IT IS ENACTED by the Council of the Enoch Mgijima Local Municipality, as follows:

## 1. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

**‘Municipality’** means Enoch Mgijima Local Municipality;

**‘Municipal Property Rates Act’** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**‘Rates Policy’** means the Enoch Mgijima Local Municipality’s property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

## 2. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality’s Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

## 3. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality’s rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at:-

Queenstown, Tarkastad, Hofmeyer, Molteno and Sterkstroom or Municipal website  
[www.enochmgijima.gov.za](http://www.enochmgijima.gov.za)

Queenstown Office Unit	:	Budget & Treasury Office, 25-27 Owen Street
Tarkastad Office Unit	:	Budget & Treasury Office, 12 Murray Street
Hofmeyer Office Unit	:	Budget & Treasury Office, 194 Molteno Street
Molteno Office Unit	:	Budget & Treasury Office, 39 Smith Street
Sterkstroom Office Unit	:	Budget & Treasury Office, 58 John Voster Street

#### **4. CATEGORIES OF RATEABLE PROPERTIES**

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

#### **5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES**

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

#### **6. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

#### **7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Enoch Mgijima Local Municipality Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.





ENOCH MGIJIMA  
LOCAL MUNICIPALITY

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO.6 of 2004).**

Date 31 May 2021

**MUNICIPAL NOTICE NO: 05/06/2021**

**ENOCH MGIJIMA MUNICIPALITY RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 31 May 2021, the Council resolved by way of council resolution number 42/2021, to levy the rates on property reflected in the schedule below with effect from 1 July 2021.

<b>PROPERTY RATES AND LEVIES</b>			
<b>Proposed 2021/22</b>			
<b>General Rate</b>	<b>2020/2021</b>	<b>2021/2022</b>	
Residential (cents in a Rand)	<b>0,0088101</b>	<b>0,0093387</b>	Cents in a Rand
Business/ Commercial (cents in a Rand)	<b>0,0111372</b>	<b>0,0118055</b>	Cents in a Rand
Public Service Purpose (cents in a Rand)	<b>0,0088116</b>	<b>0,00934</b>	Cents in a Rand
Agricultural (cents in a Rand)	<b>0,0022502</b>	<b>0,0023347</b>	Cents in a Rand
PSI (cents in a Rand)	<b>0,0022502</b>	<b>0,0023347</b>	Cents in a Rand
Vacant land	<b>0,0411482</b>	<b>0,0436171</b>	Cents in a Rand
Municipal Properties			Exempted
Places of Worship			Exempted
PBO			Exempted

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.enochmgijima.gov.za](http://www.enochmgijima.gov.za)) and all public libraries.

**Name: Ms N.C. Zondani**

**Designation: Municipal Manager**

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**Private Bag X7111, KOMANI 5320**





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