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## PROVINCIAL NOTICES

[NO. 171 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION:  
STANDARD LICENSING OF DOGS BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

## SCHEDULE

## LICENSING OF DOGS BY-LAW

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**Definitions**

1. (1) In these by-laws, unless the context indicates otherwise –
  - "Council"** means the municipal council of the ..... local municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
  - "dog"** means both a male and female dog regardless if it has been spayed or castrated.
  - "licensing fee"** means the fee charged for the licensing of dogs as determined by the Council from time to time by means of a resolution;
  - "municipality"** means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee
  - "nuisance"** means any conduct or condition which brings about or may bring about a state of affairs or condition which is obnoxious and, or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;
  - "owner"** in relation to a dog, means any person who keeps a dog and includes any person to whom the dog has been entrusted or who has control of a dog in respect of any site within the municipality where such dog is kept or is permitted to live or remain, unless such person is able to prove that he or she is not the owner of such dog and that the dog was kept or allowed to live or remain on such site without his or her knowledge or consent.
  - "public place"** includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds' registry or surveyor general's office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in the municipality or to which the owners of erven in the township have a common right, and all property belonging to an organ of state;
  - "premises"** means any building, room, maisonette, hut, shed, tent or any other structure above, on or below ground level, together with the land on which it is situated and the adjacent land used jointly therewith or any land without buildings;
  - "vicious"** means, for the purposes of these by-laws, a dog which has bitten or attempted to bite a person or animal other than in defence of itself or its custodian;
  - "year"** or **"annually"** means a calendar year.
- (2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular includes the plural and vice versa, and reference to a natural person includes a legal person and vice versa.

**Imposing of Licensing Fees**

2. (1) Subject to the exemptions referred to in section 3, the owner of each dog within the municipality must pay an annual licensing fee to the Council.
- (2) Any person, who becomes the owner of a dog during the course of a year, must pay the licensing fee for such dog within the period prescribed in section 4, notwithstanding the fact that the previous owner may have paid the licensing fee for the year in respect of such dog.
- (3) No pro -rata payment or repayment of the annual licensing fee is applicable.

**Exemptions**

3. (1) The annual licensing fee is not payable in respect of:
  - (a) dogs under the age of six (6) months. The onus of proving that any dog is under that age, is upon the owner;
  - (b) a guide dog kept by a blind person;
  - (c) a dog temporarily brought into the municipality for a period not exceeding thirty days;
  - (d) a dog in respect of which the licensing fee has been paid for the year concerned, while such dog is kept within another municipality within the province of the Free State, but not where there was a change in ownership after the licensing fee had been paid;
  - (e) a dog in possession or in the care of the Society for the Prevention of Cruelty to Animals or a similar organisation approved by the Council;
  - (f) a dog used by either the Municipality or the South African Police Services in the execution of their duties;
  - (g) a dog used by;
    - (i) private security companies registered at the Security Industry Regulator;
    - (ii) the National Defence Force;
    - (iii) the Department of Correctional Services;
- (2) Breeders of dogs may apply to the municipality for a reduction in licensing fee per dog, which applications will be considered by the Chief Financial Officer. It is in the Chief Financial Officer's discretion to allow for a reduced licensing fee for a breeder and this subsection does not create an obligation to approve such an application.

**When Licensing Fee Becomes Payable**

4. (1) The licensing fee for which the owner of a dog is liable, is due:
- (a) in the case where he or she is the owner of such dog on the 1st day of January, on that date;
  - (b) in the case where he or she becomes the owner of such dog after the 1st day of January during any year, on the day on which he or she becomes the owner;
  - (c) in the case where such dog attains the age of six months, on the date on which such dog attains that age.
- (2) Any owner of a dog who fails to pay the licensing fee payable in respect of such a dog within 30 days from the date on which it became payable, must pay a penalty at a rate of ten per cent of the licensing fee for each month or part of a month during which such licensing fee, with effect from the date on which it became payable, remains unpaid: Provided that such penalty must not exceed the licensing fee payable.
- (3) The payment of any amount in terms of the provisions of subsection (2) does not relieve any person of any criminal liability arising from his or her failure to obtain a license, nor must the fact that any person has been criminally punished for such failure relieve him or her from liability to pay any amount in terms of subsection (2).

**Issue of Dog Licensing Fee Receipt**

5. Upon payment of the licensing fee by an owner, in respect of any dog, a dog licensing fee receipt must be issued to him or her.

**Dog Licensing fee Receipt Not Transferable**

6. No dog licensing fee receipt may be transferred from one owner to another or in respect of one dog to another.

**Dog Licensing Fee Receipt to Be Produced**

7. Any person having in his or her possession any dog must produce the dog licensing fee receipt for such dog whenever requested to do so by the Council or a member of the South African Police Services.

**Seizure, Impoundment and Discarding of Dogs**

8. (1) The Council may seize and impound:
- (a) any ownerless dog;
  - (b) a dog found in a street, a road, a public place or other land belonging to the Council, without being under control of the owner or another person,
  - (c) a dog in respect of which the licensing fee has not been paid, or
  - (d) a dog which is in contravention of the provisions of sections 10 and 11.
- (2) The owner of an impounded dog must claim it within 96 hours of impoundment, upon payment of the licensing fee due plus a impoundment fee as decided from time to time by the Council by way of a resolution.
- (3) In the event that such a dog is not claimed within the period mentioned in subsection (2) it will be donated to the Society for the Prevention of Cruelty to Animals or any other society which may have use for dogs, or sold to interested parties, or destroyed.
- (4) The fact that a dog has been impounded, sold or destroyed under the provisions of this section, does not exempt the owner from payment of the licensing fee, pound fees and costs relating to the catching of the dog.
- (5) Every dog, found in any street, road or public place, which is suffering from any incurable, infectious or contagious disease or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an official of the Council or a member of the South African Police.

**Dogs Must Not Be a Source of Danger**

9. (1) Any person who keeps a dog on any premises must keep such dog in such manner as not to be a source of danger to the Council's employees entering upon such premises for the purpose of carrying out their duties.
- (2) A notice to the effect that a dog is being kept on such premises must be displayed in a conspicuous place.

**Vicious Dogs and Bitches on Heat**

10. (1) Dogs which are wild or vicious or which have acquired the habit of charging passing vehicles, bicycles or persons and are thereby liable to cause accidents or injury to persons or animals or cause damage to persons or their property, must not be permitted to be kept within the municipality, unless they are under proper control and supervision.
- (2) No bitch on heat must be allowed to run loose in public places within the municipality but must be locked up. Any such dog may immediately be impounded by the Council or a member of the South African Police and the owner must in addition to the liability to pay impoundment-fees and catch costs, be liable to prosecution for contravention of this section.

**Dogs Causing Nuisances**

11. (1) It is an offence to keep within the municipality, dogs which:
- (a) chase or worry any animal or hunt game;
  - (b) by continuous barking, howling or whining cause a nuisance;
  - (c) suffer from a contagious disease and are not under veterinary supervision and which are not suitably isolated;

- (d) pollute a premise to such an extent that a health hazard is caused;
- (e) stray in any public street, thoroughfare or other public place or in any private open space, private place or private premises, other than that of the owner of such a dog, unless such dog is led by a chain or leash and accompanied by a person.

**Dogs on premises where food is sold**

12. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for human consumption, must not permit any dog to be or remain in or on such shop or place.

**Fencing of premises**

13. No person must keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash.

**Obstruction of employees**

14. (1) No person must:
- (a) hinder, obstruct or interfere with any employee of the Council or a member of the South African Police Services in the performance of any duty relating to these by-laws; or
  - (b) refuse to give such information as the Council may reasonably require; or
  - (c) prevent or obstruct an official of the Council or a member of the South African Police in any manner whatsoever to obtain free and unobstructed entrance to any premises for the purposes of enforcing these by-laws.

**Liability**

15. Neither the Council, nor any employee of the Council is liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure or destruction in terms of this by-law.

**Presumptions**

16. In the prosecution of the owner of a dog, for a contravention of sections 2 and 3, read with section 4, it must be presumed that such owner has failed to pay the dog licensing fee in respect of such dog within the prescribed period and that such dog is of the age of six months or older, until the contrary is approved.

**Offences and penalties**

17. (1) A person who -
- (a) contravenes any provision of these by-laws or fails to comply therewith or with any condition imposed in terms thereof;
  - (b) deliberately furnishes false or misleading information to an officer or an employee of the Council;
  - (c) fails to comply with any condition granted or imposed in terms of these by-laws;
  - (d) ignores, disregards or disobey any notice, sign or marking displayed or erected for purposes of these by-laws, is guilty of an offence and must upon conviction by a court be liable to a fine or imprisonment or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944)
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

**Repeal**

18. Any by-laws relating to the licensing of dogs adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title**

19. These by-laws are called the by-laws relating to the Licensing of Dogs, 201....
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[NO 172 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD NUMBERING OF BUILDINGS BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
 Systems And Capacity Building  
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 and Traditional Affairs  
 Local Government Branch  
 PO Box 211  
 BLOEMFONTEIN  
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**Definitions**

- 1. (1) In these by-laws, unless the context otherwise indicates –
  - "**building**" means, in addition to its ordinary grammatical meaning, any portion of a building which has a street entrance and is not interlinking with any other portion of the building, having a separate pedestrian street entrance and forming a self-contained unit for purposes of its intended use, whether or not there is a registered sectional title scheme in respect of the building exists;
  - "**Council**" means the municipal council of the ..... Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
  - "**display**" means as a verb, to affix surely to, or unless otherwise authorised by the General Manager in terms of section 2, to paint on a building, boundary wall, gate or other place authorised by the General Manager in such a manner as to be clearly visible from the street bordered by such building, boundary wall, gate or other authorised place, and has a corresponding meaning as a noun;
  - "**flat building**" means a building in which several residential apartments are situated and such buildings usually consists of more than one level and for purposes of these by-laws may also refer to any sectional title complex;
  - "**General Manager**" means the General Manager Planning of the Council or a person acting on the authority of that person;
  - "**metal**" means, any plastic material or any other durable material approved by the General Manager;
  - "**Municipality**" means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "**occupier**" means, a person who actually occupies a property or any part thereof, irrespective of the title by virtue of which he occupies it and, in the case of a property which have been subdivided and are being let to various lodgers or various tenants, the person or persons entitled to the rental and, if the property form part of a scheme as referred to in the Sectional Titles Act, 1986 (Act No 95 of 1986), the body corporate referred to in that act shall be deemed to be the occupier of the property;
  - "**property**" means any land, building, room or structure, regardless of whether anything has been erected thereon.
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

**Allocation of street numbers**

2. (1) Street numbers are allocated or reallocated from time to time by the Council to properties within the municipality.
- (2) After service on him or her of a notice in writing by the General Manager requiring him or her to do so, the owner or occupier of any such property must, within the time specified in such notice, display on such property the number allocated or reallocated thereto, in terms of this or any previous by-law by means of a metal number or metal plate bearing such number, or by means of paint if so authorised by the General Manager: Provided that such number or plate must be affixed in the position indicated in such notice or, if no such position is so indicated, then in a position where it is legible from the street on which such property fronts, and its dimensions must not be less than the minimum specified in section 5: Provided further that the General Manager may prescribe the colour and finish of the digits or the type of paint that may be used, in such notice.
- (3) The provisions of subsection (2) applies, mutatis mutandis, to any property where such number or plate has become detached, illegible, obliterated or defaced, or does not meet the provisions of section 5, or is for any reason no longer legible from the street on which such property fronts.

**Allocation and display of names on flat buildings**

3. (1) After service on the owner of a notice in writing by the General Manager requiring him or her to do so, the owner of any flat building must, within the time specified in such notice, display, by means of a metal sign on such building, the name that has been assigned to it, or by means of paint if so authorised by the General Manager: Provided that such sign must be affixed in the position indicated in such notice or, if no such position is indicated, then in a position where it is legible from the street on which such building fronts and its dimensions shall not be less than the minimum specified in section 5: Provided further that the General Manager may prescribe the colour and finish of the letters or the type of paint that may be used in connection with such name in such notice.
- (2) The provisions of subsection (1) shall apply, mutatis mutandis, to any flat building where such sign has become detached, illegible, obliterated or defaced, or does not meet the provisions of section 5, or is for any reason no longer legible from the street on which such flat building fronts.

**Allocation of numbers and letters to Flat Buildings**

4. (1) After service on the owner of a notice in writing by the General Manager requiring him or her to do so, subject to the provisions of section 2, the owner of any flat building must, within the time specified in such notice -
- (a) affix a metal number, or a metal plate, bearing a number, over the entrance to each separate flat;
- (b) where there is more than one block of flats, or more than one main entrance to each block, affix at each main entrance to each block a metal letter or metal plate bearing a letter in either case of dimensions not less than the minimum specified in section 5;
- (c) provide and maintain continuously in efficient working order, by means of illumination, by which the sign referred to in section 3 and the metal letter or plates referred to in subsection (1) (b) are made legible during the hours of darkness.
- (2) The numbers referred to in subsection (1)(a) must run from 1 upwards on the ground floor, from 101 upwards on the first floor, and so on.
- (3) The letters referred to in subsection (1)(b) shall run from A onwards and each block or main entrance shall be assigned a different letter.
- (4) The provisions of subsection (1) shall apply, mutatis mutandis, in respect of any metal number, metal plate or metal letter that has become detached, or is for any reason no longer legible.

**Minimum dimensions of numbers and letters**

5. (1) The minimum height of every number and letter with regard to a property within the municipality is, in respect of -
- (a) flat buildings, office- or business buildings and shopping centres, is 150 millimetre, and
- (b) any other property, is 75 millimetre:
- Provided that the distance between the lines which represent the actual number or letter should not be less than 10 millimetre.

**Offences and penalties**

6. (1) A person contravening or failing to comply with any of the provisions of these by-laws is guilty of an offence and must upon conviction by a court be liable to a fine or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

**Repeal**

7. Any by-laws relating to the Numbering of Buildings adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title and commencement**

8. These by-laws are called the Numbering of Buildings By-law, 201..

[NO. 173 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PROPERTY RATES BY-LAW**

- [1.] I, **MOSEBENZI ZWANE**, Member of the Executive Council responsible for Cooperative Governance and Traditional Affairs in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws for Property Rates as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to -

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**PROPERTY RATES BY-LAW**

**PURPOSE OF BY-LAW**

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

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1. **Definitions**

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

- 1.1 “Act” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 “Agent”, in relation to the owner of a property, means a person appointed by the owner of the property-
  - (a) to receive rental or other payments in respect of the property on behalf of the owner; or
  - (b) to make payments in respect of the property on behalf of the owner;
- 1.3 “Agricultural purpose” in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 “Annually” means once every financial year;
- 1.5 “Category”
  - (a) in relation to property, means a category of properties determined in terms of Section 5 of this By-law; and
  - (b) in relation to owners of properties, means a category of owners determined in terms of Section 6 of this By-law.
- 1.6 “Child-headed household” means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 “Definitions, words and expressions” as used in the Act are applicable to this By-law, where ever it is used;
- 1.8 “Land reform beneficiary”, in relation to a property, means a person who -
  - (a) acquired the property through -
    - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
    - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
  - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
  - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution of the Republic of South Africa, 1996 be enacted after this Act has taken effect;
- 1.9 “Land tenure right” means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 1.10 “Municipality” means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- 1.11 “Newly Rateable property” means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
  - (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
  - (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 1.12 “Owner”-
  - (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
  - (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", means a person in whose name the right is registered or to whom it was granted in terms of legislation; or

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled", provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-

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

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

1.14 **"Property"** means -

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

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

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

1.16 **"Residential property"** means improved property that:-

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

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

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

- 1.18 “state trust land” means land owned by the state-
- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
  - (b) over which land tenure rights were registered or granted; or
  - (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).
- 1.19 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

## 2. Principles

- (1) Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll and supplementary valuation roll.
- (2) The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.
- (3) Some categories of property and categories of owners will be granted relief from rates.
- (4) The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- (5) There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- (6) The municipality’s rates policy will be based on the following principles:
  - (a) Equity  
The municipality will treat all ratepayers with similar properties the same.
  - (b) Affordability  
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.
  - (c) Sustainability  
Rating of property will be implemented in a way that:
    - (i). it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
    - (ii). Supports local, social and economic development; and
    - (iii). Secures the economic sustainability of every category of ratepayer.
  - (d) Cost efficiency  
Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

## 3. Application of By-law

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

## 4. Principles applicable to financing services

- (1) The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
  - (a) Trading services
    - (i). Water
    - (ii). Electricity
  - (b) Economic services
    - (i). Refuse removal.
    - (ii). Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in subsection 1 (a) and (b).

- (2) Trading and economic services as referred to in clauses (a) and (b) must be ringfenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

**5. Categories of property**

- (1) Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.  
(2) Such rates will be determined on an annual basis during the compilation of the municipality's budget.  
(3) In determining the category of a property referred to in subsection (1) the municipality must take into consideration the dominant use of the property regardless the formal zoning of the property;  
(4) Properties used for multiple purposes must be categorised and rated as provided for in section 9 of the Act and as more fully described in section 7 of this by-law.

**6. Categories of owners**

- (1) For the purpose of granting exemptions, reductions and rebates in terms of section 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
  - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
  - (c) Owners of property situated within an area affected by-
    - (i). a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
    - (ii). serious adverse social or economic conditions.
  - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
  - (e) Owners of properties situated in privately owned towns as determined by the municipality's rates policy;
  - (f) Owners of agricultural properties as determined by the municipality's rates policy; and
  - (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

**7. Properties used for multiple purposes**

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

**8. Differential rating**

- (1) Criteria for differential rating on different categories of properties will be according to-
- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
  - (b) The promotion of social and economic development of the municipality.
- (2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and
- (3) by way of reductions and rebates as provided for in the municipality's rates policy document.

**9. Exemptions and Impermissible Rates**

- (1) Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.  
(2) Conditions determined by the rates policy will be applied accordingly.  
(3) Exemptions will automatically apply where no applications are required.  
(4) Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004( Act No. 6 of 2004).  
(5) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 ( Act No. 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.

- (6) The municipality retains the right to refuse the exemption if the details supplied in the application form are incomplete, incorrect or false.
- (7) The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

## 10. Reductions

- (1) Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
  - (a) Partial or total destruction of a property.
  - (b) Disasters as defined in the Disaster Management Act, 2002 (Act No 57 of 2002).
- (2) The following conditions are applicable in respect of subsection (1)
  - (a) The owner referred to in subsection (1) (a) must apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his or her property has been totally or partially destroyed. He or she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
  - (b) Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- (3) A maximum reduction determined annually by the municipality will be allowed in respect of subsection (1)
  - (a) An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
  - (b) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

## 11. Rebates

- 11.1. Categories of property
  - (1) The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
  - (2) The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.
  - (3) Conditions determined by the rates policy will be applied accordingly.
  - (4) Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.
  - (5) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
  - (6) Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
  - (7) The extent of the rebate in terms of subsection (1), (2) and (6) will annually be determined by the municipality and must be included in the annual budget.

## 12. Payment of rates

- (1) Council may levy assessment rates: -
  - (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, 2003(Act No. 56 of 2003) or
  - (b) Annually, as agreed with the owner of the property.
- (2) The municipality must determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner, tenant, occupants or agent.
- (3) Rates payable on an annual basis, will be subject to a discount of 5% if paid in full on or before 30 September of each year.
- (4) Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, must be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- (5) If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him or her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- (6) Arrears rates must be recovered from tenants, occupiers or agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's Credit Control and Debt Collection By-law.
- (7) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable must be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (8) Where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable must be levied at the maximum rate permitted by prevailing legislation.

**13. Accounts to be furnished**

- (1) The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
  - (a) the amount due for rates payable,
  - (b) the date on or before which the amount is payable,
  - (c) how the amount was calculated,
  - (d) the market value of the property, and
  - (e) rebates, exemptions, reductions or phasing-in, if applicable.
- (2) A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he or she must make the necessary enquiries with the municipality.
- (3) In the case of joint ownership the municipality must consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**14. Phasing in of rates**

- (1) The rates to be levied on newly rateable property must be phased in as explicitly provided for in section 21 of the Act.
- (2) The phasing-in discount on the properties referred to in section 21 of the Act are as follows:
  - (a) First year                    2009/10 financial year: 100% of the relevant rate;
  - (b) Second year                2010/11 financial year: 100% of the relevant rate;
  - (c) Third year                  2011/12 financial year: 100% of the relevant rate;
  - (d) Fourth year                2012/13 financial year: 100% of the relevant rate;
  - (e) Fifth year                  2013/14 financial year: 50% of the relevant rate; and
  - (f) Sixth Year                  2015/16 financial year: 25% of the relevant rate.
- (3) No rates must be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties must be as determined below:-
  - (a) First year    :100% of the relevant rate;
  - (b) Second year        : 75% of the relevant rate;
  - (c) Third year    : 50% of the relevant rate; and
  - (d) Fourth year : 25% of the relevant rate.

**15. Special rating areas**

- (1) The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- (2) The following matters must be attended to in consultation with the committee referred to in subsection (3) whenever special rating is being considered:
  - (a) Proposed boundaries of the special rating area;
  - (b) Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
  - (c) Proposed improvements clearly indicating the estimated costs of each individual improvement;
  - (d) Proposed financing of the improvements or projects;
  - (e) Priority of projects if more than one;
  - (f) Social economic factors of the relevant community;
  - (g) Different categories of property;
  - (h) The amount of the proposed special rating;
  - (i) Details regarding the implementation of the special rating;
  - (j) The additional income that will be generated by means of this special rating.
- (3) A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will take place under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decision making powers.
- (4) The required consent of the relevant community must be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority is regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.

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- (5) In determining the special additional rates the municipality must differentiate between different categories as referred to in section 5.
  - (6) The additional rates levied must be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
  - (7) The municipality must establish separate accounting and other record-keeping systems, for the identified area and the households concerned must be kept informed of progress with projects and financial implications on an annual basis.

#### **16. Frequency of valuation**

- (1) The municipality must prepare a new valuation roll every 4 (four) years.
- (2) The municipality, under exceptional circumstances, may request the MEC responsible for Local Government in the Province to extend the validity of the valuation roll to 5 (five) years.
- (3) Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

#### **17. Community participation**

- (1) Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and comply with the following requirements:
  - (a) Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
  - (b) Council must display the draft rates by-law for a period of at least 30 days (**municipality to include period decided on**) at the municipality's head and satellite offices and libraries (and on the website).
  - (c) Council must advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
  - (d) Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.
  - (e) Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
  - (f) The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.
  - (g) The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32, (Act No. 32 of 2000).

#### **18. Register of properties**

- (1) The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- (2) Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- (3) Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
  - (a) Exemption from rates in terms of section 15 of the Property Rates Act, 2004 (Act No. 6 of 2004),
  - (b) Rebate or reduction in terms of section 15 of the Act,
  - (c) Phasing-in of rates in terms of section 21 of the Act, and
  - (d) Exclusions as referred to in section 17 of the Act.
- (4) The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- (5) The municipality will update Part A of the register during the supplementary valuation process.
- (6) Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

#### **19. Regular review processes**

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

#### **20. Short title**

This by-law is called the Property Rates By-law, 20.....

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**NOTICES**

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

**BANKING DETAILS FOR DEPARTMENT OF THE PREMIER**

NEW BANK:	STANDARD BANK
ACCOUNT NAME:	FSPG: DEPARTMENT OF THE PREMIER
ACCOUNT NUMBER:	240 322 029
BRANCH NAME:	BRANDWAG BRANCH
BRANCH CODE:	05 5534 00
REFERENCE NO.:	AS DISCUSSED UNDERNEATH
ACCOUNT HOLDER:	FSPG: DEPT PREMIER
FAX NO.	(051) 405 4396

- NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.
- YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.
- WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.

<b><u>ENQUIRIES CONTACT:</u></b>	<b><u>TEL NO.</u></b>
MS C TSHABALALA	(051) 403 3139
MRS M.E. MATILE	(051) 403 3590

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**NOTICE**

**PLEASE TAKE NOTE:** THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.

THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.

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