



KwAZULU-NATAL PROVINCE
KwAZULU-NATAL PROVINSIE
ISIFUNDAZWE sAKwAZULU-NATALI

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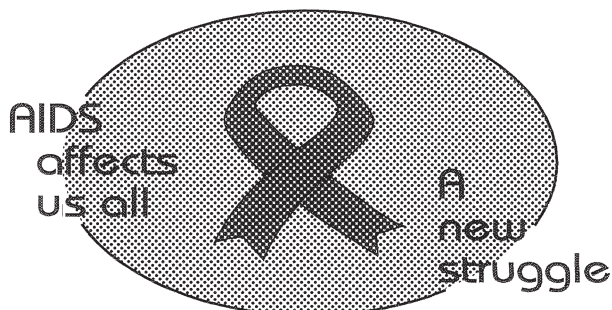
PIETERMARITZBURG

Vol. 9

31 JULY 2015
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31 KUNTULIKAZI 2015

No. 1460

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DEPARTMENT OF HEALTH

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IMPORTANT *Information* from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

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You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 144 OF 2015

**HLABISA LOCAL MUNICIPALITY
(KZ 274)**

P. O. Box 387
Hlabisa
3937

Lot 808, off Masson Street
Hlabisa
3937

Tel: 035 838 8504
Fax: 035 838 1015
mm@hlabisa.org.za

Enquiries: Office of the Municipal Manager

16 July 2015

**COUNCIL
RESOLUTION CERTIFICATE**

HLMC 60/2015

Credit Control and Debt Collection bylaws for 2015/2016

This is to certify that the Council of Hlabisa Municipality, in its special meeting of the 15th of July 2015 resolved as follows:

- (a) Council accept and approves the Credit Control and Debt Collection bylaws for 2015/16.

➤ *Proposed by Cllr. MB Sithole and seconded by Cllr. BB Ntombela*

Approved by:

.....
Dr. VJ Mthembu
Municipal Manager
Hlabisa Local Municipality



HLABISA LOCAL MUNICIPALITY (KZ 274)

P. O. Box 387
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Fax: 035 838 1015

30-June-2015

Enquiries: Manager Expenditure & Income

TO : COUNCIL

SUBJECT: CREDIT CONTROL AND DEBT COLLECTION
BY LAWS FOR 2015/2016

1. ANNEXURES

- 1.1. Credit Control And Debt Collection By Laws for 2015/16

2. PURPOSE

To request the council to approve the Credit Control and Debt Collection By Laws for the 2015/2016 financial year to give effect to the municipality's and Debt collection policy.

3. LEGISLATIVE PROVISIONS

- 3.1 Municipal Systems Act 32 of 2000, Section 98

4. BACKGROUND

Section 98 of the Municipal Systems Act No.32 of 2000, states that (1) a municipal council must adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement.
(2) By-laws in terms of subsection (1) may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.

5 DISCUSSION

5.1 Arrangements to pay arrears

The municipal manager may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.

Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

5.2 Allocation of part-payment

If an account holder pays only part of any municipal account due, the municipal manager shall allocate such payments by firstly to any unpaid charges, secondly to any unpaid interest, thirdly to any unpaid sewerage, fourthly to any unpaid refuse collection charges, fifthly to any unpaid property rates, sixthly to any unpaid water charges and lastly to any unpaid electricity

5.3 Queries

In the event of an accountholder reasonably querying any item or items on the monthly municipal account, no action shall be taken against the accountholder provided the accountholder has paid by the due date an amount equal to the monthly average monetary value and provided further such query is made in writing by the accountholder.

Accounts will be rendered monthly to customers at the address last recorded with the municipality or its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.

Failure to receive or accept an account does not relieve a customer of the obligation to pay any amount due and payable.

If a municipal account is not received before the due date the account holder is responsible to acquire an account at the municipality's customer care service counter.

5.4 Dishonoured and other unacceptable cheques

If an accountholder tenders a cheque which is subsequently dishonoured by or is found to be unacceptable to the accountholder's bankers, the municipal manager shall in addition to taking steps contemplated in the policy against defaulting accountholders, charge such accountholder the penalty charge for unacceptable cheques.

5.5 Interest on arrears

The Municipality may charge and recover interest in respect of any arrear debt, as prescribed in this by-law and the policy. Interest shall be calculated on a monthly basis.

5.6 Uncollectable arrears

The municipal manager must present to the council a report indicating the amount of the arrears which is believed to be uncollectable together with the reason for this conclusion. The council shall then approve the write off of such arrears, if it is satisfied with the reason provided.

5.7 Rates Clearance

On the sale of any property in the municipal jurisdiction, the municipality will withhold the transfer until all rates, services and consumption charges are paid by withholding a rates clearance certificate as contemplated in section 118 of the Municipal Systems Act.

5.8 Business who tender with the Municipality

No tender will be allocated to a person/contractor who owes the municipality for taxes and services or until suitable arrangement for the repayment of arrears over the duration of the contract, has been made.

Annexures: Legal Process/Use of attorneys/Use of credit bureaus

- (1) The municipality may, when all other credit control actions have been exhausted, commence legal process against debtors which process could involve summonses and judgements.
- (2) The municipality will exercise strict control over this process, and will require regular reports on progress from service providers.
- (3) The municipality will establish procedures and codes of conduct with these outside parties.
- (4) Garnishee orders, in the case of employed debtors, are preferred to sales in execution, but both are part of the municipality's system of debt collection.
- (5) All steps in credit control and debt collection procedures will be recorded for the municipality's records and for the information of the debtor.
- (6) Individual debtor account information is protected and not the subject of public information.

- (7) The municipality may release debtor information to credit bureaus.
- (8) The municipality may consider the cost effectiveness of the legal process, and will receive reports on relevant matters, including cost effectiveness.
- (9) The municipality may consider the use of agents as service providers and innovative debt collection methods and products.
- (10) Customers will be informed of the powers and duties of such agents or service providers and their responsibilities including their responsibility to observe agreed codes of conduct.
- (11) Any agreement concluded with an agent, service provider or product vendor shall include a clause whereby breaches of the code of conduct by the agent or vendor will constitute a breach of the contract.

- CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

Paragraph 10 of this Code of Conduct stipulates that if any staff member of a municipality is in arrears to the municipality for rates and service charges for a period longer than 3 months, the municipality may deduct any outstanding amounts from such staff member's salary after this period.


- CODE OF CONDUCT FOR COUNCILLORS

Section 6A of this code requires councilors to pay all rates, tariffs, rents and other moneys due to the municipality promptly and diligently.

The municipal manager is further required to notify the speaker of the council and the MEC for Local Government, in writing, whenever a councilor has been in arrears with any of these payments for a period exceeding 30 days.

6 IMPLICATION

NONE IMPLICATIONS



 Manager
 Expenditure & Income

30/06/2015

DATE

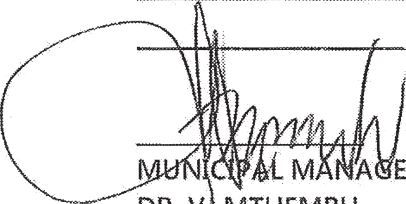
COMMENTS MUNICIPAL MANAGER
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APPROVED/NOT APPROVED



 Acting Chief Financial Officer
 Mr. KWG Thusi

DATE

COMMENTS MUNICIPAL MANAGER
SUPPORTED/NOT SUPPORTED
APPROVED/NOT APPROVED



 MUNICIPAL MANAGER
 DR. V.J. MTHEMBU

DATE

HLABISA LOCAL MUNICIPALITY
(KZ 274)



Tel: 035 838 8504
Fax: 035 838 1015
mm@hlabsa.org.za

16 July 2015

Hlabisa Municipality Property Rates bylaw 2015/2016

➤ *Proposed by Cllr. MB Sithole and seconded by Cllr. BB Ntombela*

Dr. V.J Mthembu
Municipal Manager
Hlabisa Local Municipality



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30-June-2015

Enquiries: Manager Expenditure & Income

TO : COUNCIL

SUBJECT: HLABISA MUNICIPALITY PROPERTY RATES BY-LAW
2015/2016

The By-law gives effect to the implementation of the Hlabisa Municipality's Property Rates Policy and to provide for matters incidental thereto.

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 WHERE AS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHERE AS section 6 of the Local Government Municipal Property Rates Act of 2004 as amended requires a municipality to adopt bylaws to give effect to the implementation of its property rates policy; the bylaws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

NOW THEREFOR BE IT ENACTED by the Council of the Hlabisa 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 No 6 of 2004 shall bear the same meaning and unless the context indicates otherwise

"Municipality" means the Hlabisa municipality;

"Property Rates Act" means the Local Government Municipal Property Rates Act No 6 of 2004;

"Council" means the Council of the Hlabisa Municipality; and

"Rates Policy" means the policy on the levying of rates on rateable properties of the Hlabisa municipality contemplated in chapter 2 of the Municipal Property Rates Act.

2. Objects

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act

3. Adoption and implementation of a Property Rates Policy

3.1 The Municipality shall adopt and implement its rates policy consistent with the Act on the levying of rates on rateable property within the jurisdiction of the Municipality

3.2 The Municipality shall not be entitled to levy rates other than in terms of its rates policy

4. Contents of Rates Policy

The Rates Policy shall inter alia:

4.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;

4.2 Comply with the requirements for;

4.2.1 the adoption and contents of a rates policy specified in section 3 of the Act;

4.2.2 the process of community participation specified in section 4 of the Act; and

4.2.3 the annual review of a Rates Policy specified in section 5 of the Act

4.3 Provide for principles, criteria and implementation measures that are consistent with the Act for the levying of rates which the Council may adopt; and

4.4 Provide for enforcement mechanisms, that are consistent with the Act and the Local Government Municipal Systems Act of 2000.

5 Enforcement of the Rates Policy

The Municipality's Rates Policy shall be enforced through the provision of the Local Government Municipal Finance Management Act 56 of 2003, the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6 Short title and commencement date

This By-law is called the Municipal Property Rates By-law and takes effect on 1 July 2015.



Manager
Expenditure & Income

30/06/2015
DATE

COMMENTS MUNICIPAL MANAGER
SUPPORTED/NOT SUPPORTED
APPROVED/NOT APPROVED

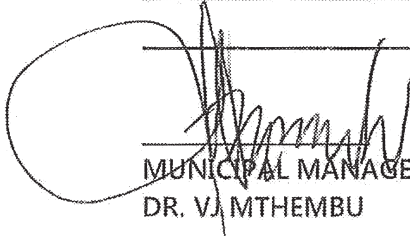
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Acting Chief Financial Officer
Mr. KWG Thusi

DATE

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MUNICIPAL MANAGER
DR. V. MTHEMBU

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