



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

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI**

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)  
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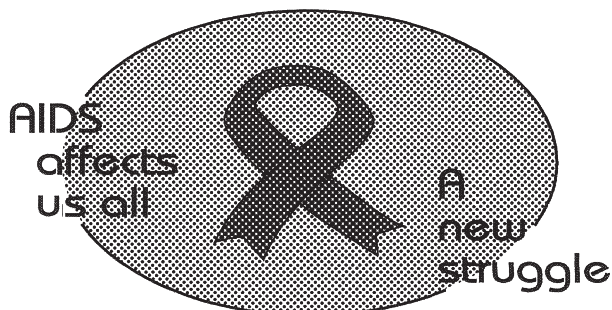
**PIETERMARITZBURG**

**Vol. 9**

27 AUGUST 2015  
27 AUGUSTUS 2015  
27 KUNCWABA 2015

**No. 1481**

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## MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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### MUNICIPAL NOTICE 169 OF 2015

#### PUBLIC NOTICE

#### ETHEKWINI MUNICIPALITY: PROPERTY RATES BY-LAW

NOTICE IS HEREBY GIVEN that the eThekwini Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 32 of 2000, the Property Rates By-law contained hereunder.

**Mr Sibusiso Sithole**  
**City Manager**

City Hall  
Dr Pixley Ka-Isaka Seme Street  
Durban

Dated: 2015-08-27

**eTHEKWINI MUNICIPALITY: PROPERTY RATES BY-LAW, 2015**



Adopted by Council on the: 2015-07-30

Promulgated on: 2015-08-27

## **PROPERTY RATES BY-LAW, 2015**

**To provide for the levying and recovery of rates on rateable property within the Municipality's area of jurisdiction; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

### **PREAMBLE**

**WHEREAS** the Municipality is entitled in terms of section 229 of the Constitution, read with section 2 of the Municipal Property Rates Act, to levy a rate on property within its area of jurisdiction;

**WHEREAS** the Municipality is required in terms of section 7 of the Municipal Property Rates Act, when levying rates, to levy rates on all rateable property within its area of jurisdiction;

**WHEREAS** the Council has, in terms of section 3(1) of the Municipal Property Rates Act, adopted the eThekweni Rates Policy which is consistent with the Municipal Property Rates Act on the levying of rates on rateable property in the Municipality;

**AND WHEREAS** the Municipality is required in terms of section 6(1) of the Municipal Property Rates Act to adopt By-laws to give effect to the implementation of its Rates Policy;

**NOW THEREFORE** the Council, acting in terms of section 156 read with Part B of Schedules 4 and 5 of the Constitution, and read with section 11 of the Systems Act, hereby makes the following By-law to give effect to the implementation of its Rates Policy:

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## **CHAPTER 1 INTERPRETATION**

### **Definitions**

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

“**account**” means written notification in the form of a statement of account addressed to a person liable for payment thereof;

“**building**” means any building or erection of an immovable nature for whatever purpose used including any tank, swimming pool, radio mast other than a radio mast consisting of a single vertical pole, retainer block system, wall or closed boarded fence more than 2 (two) meters in height and includes any –



(a) further structure, whether of a temporary or permanent nature and irrespective of the material used in the erection thereof, erected or used for or in connection with the –

- (i) accommodation or convenience of humans or animals; or
- (ii) manufacture, processing, storage, display or sale of goods;
- (b) reservoir or bridge or any other structure connected therewith;
- (c) petrol pump or any flammable liquids storage tank used in connection therewith;
- (d) part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) consumer installation; or
- (f) hut, shack, tent or similar structure or any other form of temporary or permanent dwelling or shelter,

but excludes any –

- (i) open fence;
- (ii) post;
- (iii) building pier;
- (iv) ramp;
- (v) fountain;
- (vi) statue;
- (vii) fish pond;
- (viii) pergola; or
- (ix) other garden ornamentation;

**“building pier”** means any solid support designed to sustain vertical pressure;

**“calendar month”** means the first day of a named month to the last day of the same named month, including weekends and public holidays;

**“category”** in relation to property, means a category of property determined in terms of section 8 of the Municipal Property Rates Act;

**“collection charges”** means the charges which the Municipality is entitled to recover in terms of section 75A(1) of the Systems Act, and includes the administrative cost –

- (a) of reminding any ratepayer or customer of arrears;

(b) for the termination, restriction or reinstatement of any municipal service to a defaulting ratepayer or customer; and

(c) of any notice rendered, sent, delivered or published to a ratepayer or customer in terms of this By-law or any other law;

**“Chief Financial Officer”** means a person employed by the Municipality in terms of section 57 of the Systems Act as its Chief Financial Officer, and includes any person to whom the Chief Financial Officer has delegated or sub-delegated a power, function or duty in accordance with the system of delegation developed by the Municipal Manager in terms of section 79 of the Municipal Finance Management Act;

**“Commissioner of Oaths”** means a "Commissioner of Oaths" in terms of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

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

**“co-owners”** means –

(a) any two or more persons who hold any property, whether jointly, in undivided shares or in any form of communal land tenure;

(b) any beneficial owners of any trust property vested in any non-beneficial owners;

(c) any member of any association of persons or other legal entity the object of which association is the acquisition or holding of any property; or

(d) the owners of any property subject to a sectional plan;

**“Council”** means the eThekweni Municipal Council, a municipal council referred to in section 157(1) of the Constitution, and **“Municipal Council”** has a corresponding meaning;

**“Head of department”** means the person appointed by the Municipality as Head of the Real Estate Department;

**“land”** means any piece of land the external surface boundaries of which are delineated on a –

(a) general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997) or the Deeds Registries Act, 1937 (Act No. 47 of 1937);

(b) sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or

(c) township plan, or

a portion of such land which is not so delineated, and includes any such land covered by water and the airspace above such land, and **“premises”** has a corresponding meaning;

**“Municipal Finance Management Act”** means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

**“Municipality”** means the eThekweni municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution and established in terms of PN343 of 2000 (KZN);

**“Municipal Property Rates Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

**“Municipal Manager”** means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

**“municipal service”** means a service provided by the Municipality in terms of its powers and functions to or for the benefit of the local community, irrespective of whether or not –

(a) such service is provided by the Municipality itself or by engaging an external mechanism contemplated in section 76 of the Systems Act; or

(b) any fees, charges or tariffs are levied in respect thereof;

**“municipal valuer”** means a person designated by the Municipality as a municipal valuer in terms of section 33(1) of the Municipal Property Rates Act;

**“occupier”** means any person who occupies any premises or part thereof, without regard to the title under which such person occupies the premises concerned, and **“possessor”** in relation to land, premises or property has a corresponding meaning;

**“owner”** in relation to –

- (a) a property referred to in paragraph (a) of the definition of **“property”**, means a person in whose name ownership of the property is registered;
- (b) a right referred to in paragraph (b) of the definition of **“property”**, means a person in whose name the right is registered;
- (c) a land tenure right referred to in paragraph (c) of the definition of **“property”**, means a person in whose name the right is registered;
- (d) 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”**;
- (e) a time sharing interest contemplated in the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of the Property Time-sharing Control Act, 1983, and published in Government Notice R327 of 24 February 1984;
- (f) a share in a share block company, means the share block company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980); and
- (g) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f) of the Municipal Property Rates Act, means the holder of the mining right or the mining permit,

and includes a person whom the Municipality may for the purpose of this By-law regard as the owner of a property in the following cases:

- (i) a trustee, in the case of 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 the owner of which is in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a person in the estate of a person under curatorship;
- (vi) a person in whose favour a usufruct or other personal servitude is registered, in the case of 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 the Municipality and is let by it to such lessee;

- (viii) a buyer, in the case of a property that was sold by the Municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- (ix) a child or children in charge of the property in the case of child-headed households;
- (x) any land the use of which is vested in the Provincial or the National Government of the Republic of South Africa;
- (xi) any developer who is allowed by the Municipality to develop municipal owned land once such developer has taken possession of the land concerned;
- (xii) any underlying or actual land owner in the case of registered right, on election by the Municipality;
- (xiii) where the property was previously governed by the Black Estates Act, and the estate has not yet been finalised, the occupants of the property concerned but only for the purposes of municipal accounts in respect of rates and service charges; and
- (xiv) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right;

**“person”** means a natural or juristic person, including an organ of state;

**“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;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation;
- (d) public service infrastructure; or
- (e) any immovable property or a portion thereof of which a person has taken occupation or possession without title: Provided that this in no way infers the granting of permission or the regularisation by the Municipality for the illegal occupation of land or property by any person;

**“public holiday”** means a public holiday as defined in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994);

**“public service infrastructure”** means publicly controlled infrastructure as defined in section 1 of the Municipal Property Rates Act, excluding any infrastructure which is used for an activity of a commercial or industrial nature;

**“publicly controlled”** means owned by or otherwise under the control of an organ of state, including a –

- (a) public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) municipality; or
- (c) municipal entity as defined in the Systems Act;

**“rate randage”** means an amount in the rand levied by the Municipality on rateable property within a specified category;

**“rates”** means a municipal rate on property envisaged in section 229(1)(a) of the Constitution and levied by the Municipality in terms of the Municipal Property Rates Act;

**“Rates Policy”** means the Rates Policy adopted by the Council in terms of section 3 of the Municipal Property Rates Act, as amended from time to time;

**“Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

**“valuation roll”** means a valuation roll contemplated in Chapter 6 of the Municipal Property Rates Act, and **“roll”** has a corresponding meaning.

### **Interpretation of By-law**

2.(1) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

(2) This By-law must be read in conjunction with the Rates Policy.

**Objects of By-law**

3. The objects of this By-law are to –

- (a) give effect to the implementation of the Municipality's Rates Policy in compliance with the provisions of section 6 of the Municipal Property Rates Act;
- (b) provide for the levying and recovery of rates by the Municipality; and
- (c) provide for matters incidental thereto.

**Application of By-law**

4. This By-law applies in respect of all property in the Municipality's area of jurisdiction.

## **CHAPTER 2 LEVYING OF RATES**

**Power to levy rates**

5.(1) The Council may, by resolution supported by a majority of its members, exercise the right of the Municipality to levy a rate on property in its area of jurisdiction under section 229 of the Constitution in accordance with –

- (a) the Rates Policy;
- (b) this By-law;
- (c) the Municipal Property Rates Act;
- (d) the provisions of Chapter 4 of the Municipal Finance Management Act; and
- (e) any other applicable law.

(2) When levying rates, the Municipality must levy rates on all rateable property in its area of jurisdiction, subject to section 7(2)(a) of the Municipal Property Rates Act.

(3) A rate levied by the Municipality on rateable property must be in the form of a rate randage on the market value of the property, with the exception of privileged property where the rate must be levied in accordance with the provisions of section 11(1)(b) or (c) of the Municipal Property Rates Act, as the case may be.

(4) Where a resolution for the levying of rates and the imposition of other taxes, levies and duties is adopted by the Council, the Municipality must, without delay, publish the resolution concerned in the manner prescribed under section 14 of the Municipal Property Rates Act, read with section 21A of the Systems Act.

### **Differential rates**

6.(1) Subject to section 19 of the Municipal Property Rates Act, the Municipality may, in terms of the criteria set out in the Rates Policy, levy different rates for different categories of rateable property, which may include but are not limited to categories determined according to the –

- (a) use of the property;
- (b) permitted use of the property; or
- (c) a combination of (a) and (b)

(2) The different rate randages on different categories of rateable property must not be applied in such a manner that they constitute unfair discrimination or become inconsistent with the provisions of section 16(1) of the Municipal Property Rates Act.

(3) The Municipality may in terms of criteria set out in the Rates Policy grant exemptions, rebates or reductions on rates: Provided that such exemptions, rebates or reductions may not be inconsistent with the provisions of section 16(1) of the Municipal Property Rates Act or constitute unfair discrimination.

(4) A property used for multiple purposes must, for rates purposes, be assigned to a category determined by the Municipality for its dominant use as defined in the Rates Policy.

### **Special rating areas**

7.(1) Subject to due compliance with the provisions of the Municipal Property Rates Act and the Rates Policy, the Municipality may, by resolution of the Council, enter into an agreement with any person or group of persons on such terms and conditions as the Municipality may deem appropriate, to –



- (a) determine an area within the Municipality as a special rating area, subject to the Municipality being satisfied that the terms and conditions of the resultant agreement are acceptable to the general body of ratepayers in the area concerned;
- (b) levy by way of a percentage surcharge an additional rate on property in that area for the purpose of raising funds exclusively for improving or upgrading that area; and
- (c) differentiate between categories of properties when levying an additional rate referred to in sub-paragraph (b).

(2) When the Council designates an area a special rating area, the Municipality must –

- (a) indicate the works to be effected or the municipal services to be carried out in such special rating area; and
- (b) establish a separate accounting and other record-keeping system with respect to the works to be effected or the municipal services to be carried out in the special rating area concerned.

### **Register of properties**

8.(1) The register of properties drawn and maintained by the Municipality in terms of section 23 of the Municipal Property Rates Act serves the purpose of a valuation roll as contemplated in Chapter 6 of the Municipal Property Rates Act.

(2) The register must be available for public inspection during office hours at the address supplied by the Municipality for that purpose, and must also be displayed on the official website of the Municipality.

(3) The Municipality must review the register at least annually and update Part A and Part B thereof in accordance with the provisions of section 23(5) of the Municipal Property Rates Act.

## **CHAPTER 3 VALUATION ROLLS**

**Contents of valuation roll**

9.(1) A valuation roll must list all properties in the Municipality determined in terms of section 30(3) of the Municipal Property Rates Act, and subject to the proviso stipulated in that section.

(2) The valuation roll must reflect such particulars in respect of each property as indicated in section 48(2) of the Municipal Property Rates Act to the extent that such information is available to, or reasonably determinable by, the Municipality.

**Multiple entries in the valuation roll**

10.(1) On application, unregistered long leases on land owned by the State or a State Entity may, at the discretion of the Head of department, be valued and rated per lease boundary, the costs of which shall be borne by the Applicant.

(2) Notwithstanding such valuation and rating, the owner of the land shall remain responsible for the rates on such land.

**Publication and inspection of valuation roll**

11.(1) The municipal valuer must submit the certified valuation roll to the Municipal Manager, and the Municipal Manager must, within 21 days of receipt of the roll –

(a) publish in the prescribed form in the *Provincial Gazette, KwaZulu-Natal*, and on its official website, and once a week for two consecutive weeks advertise in the media, a notice –

(i) stating that the roll is open for public inspection for a period stated in the notice, which may not be less than 30 days from the date of publication of the last notice; and

(ii) inviting every person who wishes to lodge an objection in respect of any matter in, or omitted from, the roll to do so in the prescribed manner within the stated period;

(b) disseminate the substance of the notice referred to in paragraph (a) to the local community in terms of Chapter 4 of the Systems Act; and

(c) serve, by ordinary mail or, if appropriate in accordance with section 115 of the Municipal Systems Act, on every owner of property listed in the valuation roll a copy of the

notice referred to in paragraph (a) together with an extract of the valuation roll pertaining to that owners property.

(2) Any person, including a municipal official, may, within the period stated in the notice referred to in subsection (1)(a) –

(a) inspect the roll during office hours;

(b) on payment of a fee prescribed by the Municipality in terms of the tariff as set out in the Tariff Policy, request the Municipality during office hours to make extracts from the roll; and

(c) lodge an objection with the Municipal Manager against any matter reflected in, or omitted from, the roll.

(3) The Municipal Manager may delegate to any municipal official he or she may deem appropriate the duty to assist an objector to lodge an objection if that objector is unable to read or write.

(4) The Municipal Manager must inform the Council of any matter reflected in, or omitted from, the roll that affects the interests of the Municipality.

### **Supplementary valuation roll**

**12.(1)** The Municipality must, whenever necessary, cause a supplementary valuation roll to be made or prepared in respect of any rateable property due to any one or more of the reasons listed in section 78(1)(a) to (h) of the Municipal Property Rates Act.

(2) The question as to whether an exceptional reason exists to justify the revaluation of a property in terms of section 78 of the Municipal Property Rates Act is in the sole discretion of the Municipality.

(3) In the event of the market value of a rateable property having substantially increased or decreased for any reason after the last general valuation thereof, the owner of the property concerned must notify the Municipality in writing or in electronic format of the change in the market value of the property concerned.

## **CHAPTER 4**

### **QUERIES, OBJECTIONS AND APPEALS**

#### **Queries**

**13.(1)** The Municipality may establish a process for the determination of valuation queries and charge a fee in terms of the Tariff Policy for attending to such queries.

(2) Any person who wishes to submit a valuation query in terms of subsection (1) must complete a form prescribed by the Municipality for that purpose providing the minimum information required therein and submit same to the office specified on the prescribed form, together with proof of payment of the fee referred to in subsection (1).

#### **Objections**

**14.(1)** The municipal valuer must promptly –

- (a) consider objections in accordance with the procedure prescribed by the municipal valuer;
- (b) decide objections on facts, including the submissions of an objector, and, if the objector is not the owner, the submissions of the owner; and
- (c) adjust or add to the valuation roll in accordance with any decision taken, subject to compulsory review of such decision in terms of section 52 of the Municipal Property Rates Act if the municipal valuer adjusts the valuation of a property by more than 10% upwards or downwards.

(2) The municipal valuer must, in writing, notify every person who has lodged an objection and also the owner of the property concerned if the objector is not the owner, of –

- (a) the municipal valuer's decision in terms of subsection (1)(b) regarding that objection;
- (b) any adjustment made to the valuation roll in respect of the property concerned; and
- (c) whether the municipal valuer's decision will be subject to compulsory review in terms of section 52 of the Municipal Property Rates Act.

(3) Once certified, the valuation roll becomes final for the period for which it is in force, subject to the right of appeal in terms of section 54 of the Municipal Property Rates Act.

(4) The mere lodgement of an objection in terms of this section does not constitute a dispute as contemplated in section 102(2) of the Systems Act between the Municipality and the objector concerned.

### **Right of appeal**

**15.(1)** Any person, including the Municipality, who is aggrieved by a decision taken by the municipal valuer in terms of section 15 of this By-law has a right of appeal under section 54 of the Municipal Property Rates Act.

(2) An appeal lodged in terms of section 54 of the Municipal Property Rates Act does not defer a person's liability for payment of rates beyond the date determined by the Municipality for payment.

(3) The lodgement of an appeal in terms of section 54 of the Municipal Property Rates Act does not constitute a dispute as contemplated in section 102(2) of the Systems Act between the Municipality and the appellant concerned.

(4) The provisions of this section must not be interpreted to prevent the municipal valuer from reviewing the objection outcome with any appellant based on the additional evidence provided by the appellant concerned to the municipal valuer.

(5) Any person may, with the written consent of the municipal valuer, withdraw an appeal lodged by such person in terms of subsection (1).

## **CHAPTER 5 GENERAL PROVISIONS**

**Municipal boundary adjustment**

16. If any property or a category of property is newly included in the area of jurisdiction of the Municipality by way of a municipal boundary adjustment, the valuation and rate randage of the property or the category of the property concerned shall remain applicable for the remainder of the financial year during which such property or category of property was included in the Municipality's area of jurisdiction.

**Interest on arrear rates**

17. If an amount due for rates levied in respect of a property remains unpaid after the date determined by the Municipality for the payment thereof, interest on the outstanding amount accrues at the legal rate of interest prevailing from time to time, subject to the provisions of sections 9 and 55 of the Municipal Property Rates Act.

**Valuation of right in land**

18. The Municipality is entitled to value a limited real right in respect of the land concerned with reference to –

- (a) public service infrastructure; and
- (b) rights of extension in sectional title schemes.

## **CHAPTER 6 MISCELLANEOUS**

**Delegations**

19.(1) Subject to the Constitution and applicable national and provincial laws, any –

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-

delegated by such political structure, political office bearer, councillor or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Systems Act, subject to the criteria set out in section 50(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

### **Repeal of laws and savings**

**20.**(1) The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed.

(2) Any rights accrued or obligations incurred under any of the By-laws repealed in terms of subsection (1) remain in force as if those By-laws have not been repealed.

### **Short title and commencement**

**21.** This By-law is called the Property Rates By-law, 2015 and takes effect on the date of publication thereof in the *Provincial Gazette, KwaZulu-Natal*.

## **SCHEDULE LAWS REPEALED**

<b><i>Number and year of By-law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
Municipal Notice 31 of 2008, published in <i>Provincial</i>	eThekweni Municipality Municipal Taxation By-laws:	The whole

<i>Gazette No. 111</i> dated 12 June 2008	Rates on Property	
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**MUNICIPAL NOTICE 169 OF 2015****ISAZISO SOMPHAKATHI****ISAZISO NGOMTHETHO KAMASIPALA WAMA-RATES OMHLABA**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usushaye uMthetho wama-Rates Omhlaba, ngokweSigaba 12 soMthetho woHulumeni Basekhaya, u-Municipal Systems Act, No.32 ka 2000 kanti le mithetho iyalandela lapha ngenzansi.

Sibusiso Sithole  
iMenenja yeDolobha

City Hall  
Dr Pixley ka-Isaka Seme Street  
eThekwini

Usuku: 2015-08-27

**UMTHETHO KAMASIPALA WETHEKU WAMARATES OMHLABA, 2015**



Waphasiswa uMkhandlu mhla ka: 2015-07-30

Washicilelwa mhla ka: 2015-08-27

**UMTHETHO KAMASIPALA WAMARATES OMHLABA, 2015**

**Wokuhlinzekela ukubizwa nokuqoqwa kwezimali zamarates emhlabeni ongaphansi kukaMasipala okhokhelwa amarates; wokuhlinzekela imithetho echithwayo negcinwayo; nokuhlinzekela okunye okuphathelele nalokho.**

**ISENDLALELO**

**NJENGOBA** uMasipala unesibopho ngokwesigaba 229 soMthethosisekelo, sifundwa nesigaba 2 soMthetho Wamarates oMhlaba woMasipala, sokukhokhisa amarates mayelana nomhlaba ongaphansi kolawulo lwawo;

**NJENGOBA** uMasipala kudingeka ukuba, ngokwesigaba 7 soMthetho Wamarates oMhlaba woMasipala, uma ukhokhisa amarates, ubize imali yamarates kuwona wonke umhlaba okhokhelwayo ongaphansi kolawulo lwawo;

**NJENGOBA** uMkhandlu, ngokwesigaba 3(1) soMthetho Wamarates oMhlaba woMasipala, wemukela iNqubomgomo yamarates yaseThekwini ehambisanayo noMthetho Wamarates oMhlaba woMasipala mayelana nokukhokhwa kWamarates emhlabeni okhokhelwayo kuMasipala;

**NANJENGOBA** uMasipala kudingeka ukuba ngokwesigaba 6(1) soMthetho Wamarates oMhlaba woMasipala usungule iMithetho kaMasipala ezoqalisa ukusebenza kweNqubomgomo Yamarates;

**MANJE NGAKHO-KE**, uMkhandlu, ngokwesigaba 156 sifundwa neNgxenye B kaSheduli 4 no 5 woMthethosisekelo, futhi sifundwa nesigaba 11 soMthetho weziNhlelo zoMasipala, ngalokhu usungula lo Mthetho kaMasipala olandelayo ukuze kuqaliswe ukusebenza kweNqubomgomo Yamarates:

**OKUQUKETHWE****ISAHLUKO 1  
UKUHUNYUSHWA**

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Izinhloso zoMthetho kaMasipala
4. Ukusebenza koMthetho kaMasipala

**ISAHLUKO 2  
UKUBIZWA KWAMARATES**

5. Amandla okubiza amarates
6. Ukwehlukani kWamarates
7. Izindawo zamarates akhethekile
8. Irejista yomhlaba
9. Ukwehluleka ukuhlinzeka ulwazi noma amaphepha

**ISAHLUKO 3  
UHLU LWAMANANI EZAKHIWO**

10. Okuqukethwe uhlu lwamanani ezakhiwo
11. Ukuklama ngokwahlukana kwezingxenye zesiza esisodwa
12. Ukushicilelwa nokuhlolwa kohlu lwamanani ezakhiwo
13. Isengezo sohlu lwamanani ezakhiwo

**ISAHLUKO 4  
IMIBUZO, IZIPHIKISO NEZIKHALO**

14. Imibuzo
15. Iziphikiso
16. Ilungelo lokukhalaza

**ISAHLUKO 5  
IZIHLINZEKO EZIJWAYELEKILE**

17. Ukuchitshiyelwa kwemingcele kaMasipala
18. Inzalo kumarates akweletwayo

19. Ukubuyekezwa kwelungelo lomhlaba

## **ISAPHLUKO 6 OKUNGXUBEVANGE**

20. Ukudluliselwa kwamandla

21. Imithetho echithwayo negcinwayo

22. Isihloko esifingqiwe nokuqala kokusebenza komthetho

## **ISAPHLUKO IMITHETHO ECHITHWAYO**

### **ISAPHLUKO 1 UKUHUNYUSHWA**

#### **Izincazelo**

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

“**i-akhawunti**” kushiwo isaziso ezibhalwe phansi esiyisititimende se-akhawunti ezibhekiswe kumuntu ozoyikhokhela;

“**isakhiwo**” kushiwo isakhiwo noma okwakhiwe okungenakususwa okwakhelwe noma iyiphi inhloso okubandakanya ithangi, iphuli yokubhukuda, isigxobo somsakazo ngaphandle kwesinepali elilodwa elibheke phezulu, ukubiyelwa komuzi, udonga noma uthango oluwucingo olungaphezu kwamamitha amabili (2) ukuphakama kanti kubandakanya –

(a) ezinye izakhiwo, okungaba ezesikhashana noma ezimi unomphelo futhi kungakhathaleki ukuthi zakhiwe ngani, ezakhelwe noma ezisetshenziselwa –

(i) ukuhlala noma ukusetshenziswa abantu noma izilwane; noma

(ii) ukukhiqiza, ukugaya, ukugcina, ukukhangisa noma ukudayisa impahla;

(b) idamu noma ibhuloho nanoma isiphi isakhiwo esihlobene nalokho;

(c) iphampu kaphethiloli nanoma iliphi ithange lokugcina okusaketshenzi okokhelekayo eliphathelene nalokho;

(d) ingxenye yesakhiwo, okubandakanya isakhiwo esichazwe endimeni (a), (b) noma (c);

(e) izakhiwo zabathengi; noma

(f) ixhokovana, umkhukhu, itende noma okuthi akube njalo nanoma isiphi isakhiwo sesikhashana noma sesikhathi eside sokuhlala noma umpheme,

kodwa akubandakanyi –

- (i) uthango oluvulekile;
- (ii) iposi;
- (iii) izinsalela zesakhiwo;
- (iv) igqunyana;
- (v) umthombo;
- (vi) isithixo;
- (vii) idamu lezinhlazi;
- (viii) isigcawu; noma
- (ix) okunye okubekwa engadini;

**“insika yesakhiwo”** kushiwo noma yini eyakhelwe ukwesekela isakhiwo esimile;

**“inyanga yekhalende”** kushiwo usuku lokuqala lwaleyo nyanga kuya osukwini lokugcina lwaleyo nyanga, kubandakanya izimpelasonto namaholidi omphakathi;

**“umkhakha”** mayelana nomhlaba, kushiwo umkhakha wezakhiwo onqunywe ngokwesigaba 8 soMthetho Wamarates oMhlaba woMasipala;

**“izindleko zokukoleka”** kushiwo izindleko ezibizwa uMasipala ngokwesigaba 75A(1) soMthetho weziNhlelo zoMasipala, kanti ubandakanya izindleko zomsebenzi –

- (a) wokukhunjuzwa komkhokhi Wamarates ngezimali ezikweletwayo;
- (b) wokunqanyulwa, ukuncishiswa noma ukuxhunywa kabusha kwezinsiza zikamasipala kumkhokhi Wamarates noma ikhasimende elingakhokhi kahle; kanye
- (c) nowanoma isiphi isaziso esikhishiwe, esihanjisiwe, esithunyelwe noma esishicilelwe sibhekiswe kumkhokhi Wamarates noma ikhasimende ngokwalo Mthetho kaMasipala nanoma imuphi omunye umthetho;

**“isiKhulu esiPhezulu kwezeziMali”** kushiwo umuntu oqashwe uMasipala ngokwesigaba 57 soMthetho weziNhlelo zoMasipala njengesikhulu esiPhezulu kwezezimali, kanti sibandakanya noma imuphi umuntu isikhulu esiPhezulu sezeziMali ezidlulisele kuyena

amandla, amajoka nemisebenzi ngokuhambisana nohlelo lokudluliselwa kwamandla olusungulwe iMenenja kaMasipala ngokwesigaba 79 soMthetho Wokuphathwa Kwezimali Zomasipala;

**“uMfungisi”** kushiwo "uMfungisi" ngokoMthetho we-Justices of the Peace and Commissioners of Oaths Act, 1963 (uMthetho No. 16 ka 1963);

**“uMthethosisekelo”** kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ka 1996;

**“abanikazi ababambisene”** kushiwo –

- (a) noma ibaphi abantu babili noma ngaphezulu abanomhlaba, okungaba yingokubambisana, ngamasheya angahlukanisiwe noma ngokwesivumelwano somhlaba ophethwe ngokuhlanganyela;
- (b) noma ibaphi abanikazi abangondlalifa kwithrasti yomhlaba ophethwe abanikazi abangebona ondlalifa;
- (c) noma imaphi amalungu enhlangano noma abantu ngaphandle kwebhizinisi elisemthethweni anhloso yawo ukuthola nokugcina noma imuphi umhlaba; noma
- (d) abanikazi banoma imuphi umhlaba abanohlelo lomhlaba;

**“uMkhandlu”** kushiwo uMkhandlu kaMasipala weTheku, uMkhandlu kaMasipala ohlongozwe esigabeni 157(1) soMthethosisekelo, kanti igama **“uMkhandlu kaMasipala”** linencazelo efanayo;

**“iNhloko yoMnyango”** kushiwo umuntu oqokwe uMasipala njengeNhloko yoMnyango wakwa-Real Estate;

**“umhlaba”** kushiwo noma isiphi isiqephu somhlaba esinemingcele engaphandle ekhonjiswe –

- (a) kwipulani ejwayelekile noma kumdwebo obhalisiwe ngokoMthetho wokuSikwa koMhlaba, 1997 (uMthetho No. 8 of 1997) noma ngokoMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho No. 47 ka 1937);
- (b) kwipulani yendawo ebhalisiwe ngokoMthetho wamaTayitela eziNdawo, 1986 (uMthetho No. 95 ka 1986); noma

(c) ipulani yelokishi, noma

ingxenye yalowo mhlaba ongenamnikazi, kanti ibandakanya noma imuphi umhlaba onamanzi nomoya kuphela, futhi igama **“izakhiwo”** linencazelo efanayo;

**“uMthetho Wokuphathwa Kwezimali Zomasipala”** kushiwo uMthetho Wokuphathwa Kwezimali Zomasipala woHulumeni baseKhaya, 2003 (uMthetho No. 56 ka 2003);

**“uMasipala”** kushiwo uMasipala waseThekwini, uMasipala oku-Category A njengoba kubalulwe esigabeni 155(1) soMthethosisekelo futhi osungulwe ngokweSaziso soMphakathi No 343 sika 2000 (KZN);

**“uMthetho Wamarates oMhlaba woMasipala”** kushiwo uMthetho Wamarates oMhlaba woMasipala koHulumeni baseKhaya, 2004 (uMthetho No. 6 ka 2004);

**“IMenenja kaMasipala”** kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo zoMasipala njengenhloko yabasebenzi emkhandlwini kaMasipala;

**“imisebenzi kamasipala”** kushiwo imisebenzi ehlinzekwa uMasipala ngokwamandla namajoka noma ukuze kuhlomule umphakathi, kungakhathaleki ukuthi –

(a) leyo misebenzi ihlinzekwa umasipala qobo noma kusetshenziswe uhlelo lwangaphandle oluhlongozwe esigabeni 76 soMthetho weziNhlelo zoMasipala; noma

(b) uma kukhona izimali ezibizwayo noma amatharifu akhokhwayo ngalokho;

**“umklamimanani kamasipala”** kushiwo umuntu oqokwe uMasipala njengomklamimanani ngokwesigaba 33(1) soMthetho Wamarates oMhlaba woMasipala;

**“umhlali”** kushiwo umuntu ohlala kunoma isiphi isakhiwo noma ingxenye yaso, ngaphandle kokubheka ukuthi isakhiwo leso sisegameni lakhe yini, kanti igama elithi **“umgcini”** uma kukhulunywa ngomhlaba, izakhiwo noma impahla linencazelo efanayo;

**“umnikazi”** uma kukhulunywa –

(a) ngomhlaba okukhulunywe ngawo endimeni (a) yencazelo yegama **“umhlaba”**, kusho umuntu okubhaliswe igama lakhe njengomnikazi walowo mhlaba;



(b) ngelungelo okukhulunywe ngalo endimeni (b) yencazelo yegama **“umhlaba”**, kusho umuntu okubhaliswe egameni lakhe lelo lungelo;

(c) ngelungelo lokusebenzisa umhlaba okukhulunywe ngalo endimeni (c) yencazelo yegama **“umhlaba”**, kusho umuntu okubhaliswe egameni lakhe lelo lungelo; futhi

(d) ingqalasizinda yemisebenzi yomphakathi okukhulunywe ngayo endimeni (d) yencazelo yegama **“umhlaba”**, kusho uhlaka lombuso olulawula noma oluphethe leyo ngqalasizinda yombuso njengoba kubekwe kwincazelo yegama **“okulawulwa umphakathi”**,

futhi kubandakanya umuntu uMasipala ngokwenhloso yalo Mthetho kaMasipala angamthatha njengomnikazi womhlaba kulezi zimo ezilandelayo:

(i) umphatheli, uma umhlaba ungaphansi kwethrasti, ngaphandle komhlaba wethrasti yombuso;

(ii) umlawuli noma umabi wamafa, uma kungumhlaba womuntu oshonile;

(iii) umphatheli noma umdayisi womhlaba uma umhlaba kungowomuntu ocwile ezikweletini noma kumele udayiswe;

(iv) imenenja emajajini uma umhlaba kungowomuntu ongaphansi kwesinqumo samajaji;

(v) umgcini wamafa, uma umnikazi womhlaba kungumuntu ophathelwe amafa;

(vi) umuntu okubhaliswe ngaye isiqephu somhlaba noma onelungelo lokusebenzisa umhlaba, kulowo mhlaba ongasetshenziswa omunye noma oshiyiwe;

(vii) isiqashi, uma kungumhlaba obhaliswe egameni likaMasipala oqashiswayo;

(viii) umthengi, uma kungumhlaba odayiswe uMasipala wanikezwa umthengi bungakabhaliswa ubunikazi bawo egameni lakhe;

(ix) umhlaba ophethwe yingane noma yizingane kuleyo mizi ephethwe yizingane;

(x) noma ikuphi ukusetshenziswa komhlaba okunikezwe uHulumeni wesiFundazwe noma kaZwelonke weRiphabhulikhi yaseNingizimu Afrika;

(xi) noma imuphi umakhi ogunyazwe uMasipala ukuba athuthukise umhlaba kaMasipala uma lowo makhi eseyithathile leyo ndawo;

(xii) noma imuphi umnikazi womhlaba ozifihlile noma okhona mayelana nelungelo lokubhalisa, ekhethwe uMasipala; kanye

(xiii) nabahlali abahleli emhlabeni obuphethwe ngaphansi kwe-Black Estates Act, futhi umhlaba ungakaphothulwa, kodwa kuphela ngenhloso yama-akhawunti kaMasipala mayelana namarates nezimali ezikhokhelwa izidingo;

**“umuntu”** kusho umuntu qobo noma ngokomthetho, okubandakanya uhlaka lombuso;

**“umhlaba”** kushiwo –

- (a) umhlaba omile osegameni lomuntu, okubandakanya, uma kunohlelo lwetayitela, itayitela lalowo mhlaba elibhaliswe egameni lalowo muntu;
- (b) ilungelo elibhaliswe emhlabeni omile egameni lomuntu;
- (c) ilungelo lokusebenzisa umhlaba obhaliswe egameni lomuntu noma onikezwe umuntu ngokomthetho;
- (d) ingqalasizinda yokuhlinzeka izidingo zomphakathi; noma
- (e) nanoma yimuphi umhlaba omile noma ingxenye yawo umuntu awusebenzisayo noma awugcinile ngaphandle kwetayitela: Kuncike ekutheni lokhu akuvimbeli ukukhishwa kwemvume yokushaya imithetho kaMasipala mayelana nokuhlala ngokungemthetho kulowo mhlaba kwanoma imuphi umuntu;

**“iholidi lomphakathi”** kushiwo iholidi njengoba lichazwe esigabeni 1 soMthetho wamaHolidi oMphakathi, 1994 (uMthetho No. 36 ka 1994);

**“ingqalasizinda yezidingo zomphakathi”** kushiwo ingqalasizinda elawulwa uhulumeni njengoba ichazwe esigabeni 1 soMthetho Wamarates oMhlaba woMasipala, ngaphandle kweNgqalasizinda esetshenziselwa ezamabhizinisi noma izimboni;

**“okulawulwa uhulumeni”** kushiwo okungaphansi kohlaka lombuso noma okulawulwa uhlaka lombuso, kubandakanya –

- (a) ibhizinisi likahulumeni elibhalwe eMthethweni Wokuphathwa Kwezimali Zomasipala, 1999 (uMthetho No. 1 ka 1999);
- (b) umasipala; noma
- (c) ibhizinisi likamasipala njengoba lichazwe eMthethweni weziNhlelo zoMasipala;

**“amarates ngamarandi”** kushiwo isamba samarates ngamarandi esibizwa uMasipala emhlabeni okhokhelwa amarates kulowo nalowo mkhakha;

**“amarates”** kushiwo amarates omhlaba kaMasipala abalulwe esigabeni 229(1)(a) soMthethosisekelo futhi abizwa uMasipala ngokoMthetho Wamarates oMhlaba woMasipala;

**“Inqubomgomo yamarates”** kushiwo iNqubomgomo Yamarates eyemukelwa uMkhandlu ngokwesigaba 3 soMthetho Wamarates oMhlaba woMasipala, njengoba uchitshiyelwe izikhathi ngezikhathi;

**“uMthetho weziNhlelo zoMasipala”** kushiwo uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000); futhi

**“Uhlu lwamanani ezakhiwo”** kushiwo Uhlu lwamanani ezakhiwo oluhlongozwe kwiSahluko 6 soMthetho Wamarates oMhlaba woMasipala, kanti igama **“uhlu”** linencazelo efanayo.

### **Ukunyushwa kwalo Mthetho kaMasipala**

2.(1) Uma kuba nokushayisana ekunyushweni kwalo Mthetho kaMasipala wesiNgisi kanye nalowo ohunyushiwe, kuyosebenza lowo obhalwe ngesiNgisi.

(2) Lo Mthetho kaMasipala uyofundwa ngokuhambisana neNqubomgomo Yamarates.

### **Izinhloso zoMthetho kaMasipala**

3. Izinhloso zalo Mthetho kaMasipala –

- (a) ukuqalisa ukusebenza kweNqubomgomo Yamarates kaMasipala ngokuhambisana nezihlinzeko zesigaba 6 soMthetho Wamarates oMhlaba woMasipala;
- (b) ukuhlinzekela ukubizwa kwezimali nokuqoqwa kwezimali zamarates uMasipala; kanye
- (c) nokuhlinzekela okunye okuphathelele nalokho.

### **Ukusebenza koMthetho kaMasipala**

4. Lo Mthetho kaMasipala usebenza kuwona wonke umhlaba olawulwa uMasipala.

## ISAPHLUKO 2

### UKUBIZWA KWAMARATES

#### **Amandla okubiza amarates**

5.(1)UMkhandlu, ngesinqumo esesekwa yiningi lamalungu awo, ungasebenzisa ilungelo likaMasipala ukubiza amarates omhlaba endaweni engaphansi kwawo ngaphansi kwesigaba 229 soMthethosisekelo ngokuhambisana –

- (a) neNqubomgomo Yamarates;
- (b) nalo Mthetho kaMasipala;
- (c) noMthetho Wamarates oMhlaba woMasipala;
- (d) nezihlinzeko zeSahluko 4 soMthetho Wokuphathwa Kwezimali Zomasipala; kanye
- (e) nanoma imuphi omunye umthetho osebenzayo.

(2) Uma ebiza amarates, uMasipala kumele abize amarates kuwona wonke umhlaba okhokhelwa amarates endaweni engaphansi kwakhe, kuncike esigabeni 7(2)(a) soMthetho Wamarates oMhlaba woMasipala.

(3) Amarates abizwa uMasipala emhlabeni okhokhelwa amarates kumele abe amarates angamarandi ahambisana nenani lalowo mhlaba ezimakethe, ngaphandle komhlaba obonelelwayo lapho amarates kumele akalwe ngokuhambisana nezihlinzeko zesigaba 11(1)(b) noma (c) soMthetho Wamarates oMhlaba woMasipala, njengoba kungaba njalo.

(4) Uma uMkhandlu uvumelana ngokubizwa kwamarates nokunqunywa kwezinye izintela, izimali ezikhokhwayo nemisebenzi, uMasipala kumele, ngaphandle kokunanaza, ushicilele isivumelwano ngendlela enqunyiwe ngaphansi kwesigaba 14 soMthetho Wamarates oMhlaba woMasipala, sifundwa nesigaba 21A soMthetho weziNhlelo zoMasipala.

#### **Amarates ehlukahlukene**

6.(1) Kuncike esigabeni 19 soMthetho Wamarates oMhlaba woMasipala, uMasipala, ngenqubo ebekwe kwiNqubomgomo Yamarates, unganquma amarates ehlukahlukene emikhakha ehlukene yomhlaba okhokhelwa amarates, okungabandakanya phakathi kokunye imikhakha enqunywe ngokuhambisana –

- (a) nokusetshenziswa komhlaba;

- (b) ukusetshenziswa komhlaba okugunyaziwe;
- (c) indawo lapho umhlaba ukhona; noma
- (d) inhlanganisela yalokhu okubekwe ku (a) kuya ku (c) kulesi sigatshana.

(2) Umehluko wamarates ngamarandi emikhakheni ehlukene yomhlaba okhokhelwa amarates akumele usebenze ngendlela eveza ukucwasa okungafanele noma kushayisane nezihlinzeko zesigaba 16(1) soMthetho Wamarates oMhlaba woMasipala.

(3) UMasipala ngokwenqubo ebekwe kwiNqubomgomo Yamarates ungakhulula, waphulele noma wehlise amarates: Kuncike ekutheni lokho kukhululwa, izaphulelo noma ukwehliselwa angeke kushayisane nezihlinzeko zesigaba 16(1) soMthetho Wamarates oMhlaba woMasipala noma kubandlulule ngokungafanele.

(4) Umhlaba osetshenziselwa izinto ezahlukahlukene kumele, uma kubizwa amarates, ufakwe emkhakheni onqunywe uMasipala okuyiwona osetshenziselwa wona kakhulu njengoba kuchazwe kwiNqubomgomo Yamarates.

### **Izindawo zamarates ayisipesheli**

7.(1) Kuncike ekulandelweni kwezihlinzeko zoMthetho Wamarates oMhlaba woMasipala, uMasipala, ngesivumelwano soMkhandlu, ungangena izivumelwaneni nanoma imuphi umuntu noma abantu, ngemigomo nemibandela enganqunywa uMasipala, ukuze –

- (a) kunqunywe indawo kuMasipala eyindawo yamarates ayisipesheli, kuncike ekunelisekeni kukaMasipala ukuthi imigomo nemibandela yesivumelwano iyemukeleka kubona bonke abakhokhi bamarates baleyo ndawo ethintekayo;
- (b) abize ngamaphesenti enye imali yamarates kulowo mhlaba ngenhloso yokuqoqa izimali ezibhekene ngqo nokuthuthukisa noma nokulungisa leyo ndawo; futhi
- (c) ehlukanise phakathi kwemikhakha yomhlaba uma ebiza amarates engeziwe abalulwe kwindinyana (b).

(2) Uma uMkhandlu wenza indawo ibe yindawo yamarates ayisipesheli, uMasipala kumele –

- (a) uveze imisebenzi okumele yenziwe noma izidingo zikamasipala okumele zihlinzekwe kuleyo ndawo yamarates ayisipesheli; futhi

(b) asungule indlela yokubala ehlukile nolunye uhlelo lokugcinwa kwamarekhodi mayelana nemisebenzi eyenziwayo noma imisebenzi kaMasipala okumele ihlinzekwe kuleyo ndawo yamarates ayisipesheli.

### **Irejista yomhlaba**

8.(1) Irejista yomhlaba ebhalwe futhi egcinwa uMasipala ngokwesigaba 23 soMthetho Wamarates oMhlaba woMasipala ihlose ukwenza umsebenzi wohlu lokulinganiswa kwamanani njengoba luhlongozwe kwiSahluko 6 soMthetho Wamarates oMhlaba woMasipala.

(2) Irejista kumele ibe sobala ukuze ibonwe umphakathi ngezikhathi zokusebenza ekhelini elihlinzekwe uMasipala ngokwaleso sizathu, futhi kumele ikhangiswe kuwebhusayithi esemthethweni kaMasipala.

(3) UMasipala kumele ubuyekeze irejista okungenani njalo ngonyaka futhi avuselele iNgxenye A neNgxenye B yayo ngokuhambisana nezihlinzeko zesigaba 23(5) soMthetho Wamarates oMhlaba woMasipala.

### **Ukwehluleka ukuletha ulwazi namaphepha**

9. Uma kwenzeka umuntu ehluleka ukuletha ulwazi noma amaphepha ngemuva kokuthola isaziso esibhaliwe esivela kuMasipala ngokoMthetho Wamarates oMhlaba woMasipala noma omunye umthetho osebenzayo, umasipala kumele ayeke ngokushesha ukuhlinzeka izidingo zikaMasipala kulowo mhlaba kuze kube lolo lwazi namaphepha adingekayo aselethiwe ngendlela eyenelisa uMasipala.

## **ISAHLUKO 3**

### **UHLU LWAMANANI EZAKHIWO**

#### **Okuqukethwe Uhlu lwamanani ezakhiwo**

10.(1) Uhlu lwamanani ezakhiwo kumele lubhalwe yonke imihlaba kuMasipala enqunywe ngokwesigaba 30(3) soMthetho Wamarates oMhlaba woMasipala, futhi elawulwa yizihlinzeko ezibekwe kuleso sigaba.

(2) Uhlu lwamanani ezakhiwo kumele luveze imininingwane ephathelene nomhlaba ngamunye njengoba kuvezwe esigabeni 48(2) soMthetho Wamarates oMhlaba woMasipala ukuze lolo lwazi lutholakale, noma lunqunywe uMasipala.

### **Ukuklama ngokwahlukana kwezingxenye zesiza esisodwa**

**11.(1)** Ngokufaka isicelo, abanezivumelwano zokuqashiselana ezingabhalisiwe futhi zesikhathi eside kumhlaba ophethwe uMbuso noma uhlaka lombuso, ngokubona kweNhloko yoMnyango bangaklanyelwa futhi bakhokhiswe amarates ngokomngcele abawusebenzisayo ngokwesivumelwano sokuqashiselana, kanti izindleko zalokho ziyothwala umfakisisicelo.

(2) Nakuba bengacela ukuba balinganiselwe kabusha inani lomhlaba futhi bakalelwe kabusha amarates, abanikazi bomhlaba yibona abayokhokhela amarates alowo mhlaba.

### **Ukushicilelwa nokuhlola kohlu lwamanani ezakhiwo**

**12.(1)** Umklamimanani kaMasipala kumele alethe uhlu oluqinisekisiwe lokuhlola kwiMenenja kaMasipala, kanti iMenenja kaMasipala kumele, ezinsukwini ezingu 21 ithole lolu hlu –

(a) ishicilele ngefomu elinqunyiwe kwiGazethi yesiFundazwe saKwaZulu-Natali, nakuwebhusayithi yayo esemthethweni, nakwabezindaba kanye ngesonto amasonto amabili elandelana, isaziso –

(i) esishoyo ukuthi uhlu luvulelekile ukuba lubhekwe umphakathi isikhathi esibekwe kwisaziso, okungeke kube yisikhathi esingaphansi kwezinsuku ezingu 30 kusukela osukwini okushicilelwe ngalo isaziso sokugcina; futhi

(ii) esimema wonke umuntu ofisa ukuphikisa kunoma iluphi udaba olukhona noma olususiwe ohlwini ukuba enze njalo ngendlela enqunyiwe ngesikhathi esibekiwe;

(b) isabalalise okushiwo yisaziso okukhulunywe ngaso endimeni (a) kuMasipala wendawo ngokweSahluko 4 soMthetho weziNhloko zoMasipala; futhi

(c) ithumelele, ngeposi elejwayelekile noma, uma kufanele ngokuhambisana nesigaba 115 soMthetho weziNhloko zoMasipala, bonke abanikazi bomhlaba ababhaliswe ohlwini lokuhlola ikhophi yesaziso okukhulunywe ngaso endimeni (a) ihambisana nengxenye ecashunwe ohlwini lwamanani ezakhiwo ephathelene nalowo mnikazi womhlaba.

- (2) Noma imuphi umuntu, okubandakanya umsebenzi kaMasipala, ngesikhathi esinqunywe kwisaziso okukhulunywe ngaso kwisigatshana (1)(a) –
- (a) angahlola uhlu ngamahora okusebenza;
  - (b) uma esekhokhe imali enqunywe uMasipala ngokwamatharifu abekwe kwiNqubomgomo Yamatharifu, angacela uMasipala ngamahora okusebenza ukuba umcaphunele ingxenye ethile ohlwini; futhi
  - (c) angafaka isimangalo kwiMenenja kaMasipala mayelana nodaba oluvelayo, noma olukhishiwe ohlwini.
- (3) IMenenja kaMasipala inganikeza ijoka noma imuphi umsebenzi kaMasipala embona efanele ukuze asize ofake isimangalo uma ofake isimangalo engakwazi ukufunda noma ukubhala.
- (4) IMenenja kaMasipala kumele yazise uMkhandlu nganoma iluphi udaba oluvelayo noma olukhishiwe ohlwini oluthinta uMasipala.

#### **Isengezo sohlu lwamanani ezakhiwo**

- 13.(1) Uma kuba nesidingo, uMasipala kumele wakhe noma ulungise isengezo sohlu lwamanani ezakho mayelana nanoma imuphi umhlaba okhokhelwa amarates ngenxa yesinye sezizathu ezibalwe esigabeni 78(1)(a) kuya ku (g) zoMthetho Wamarates oMhlaba woMasipala.
- (2) Udaba lokuthi zikhona yini izizathu ezifanele zokuvumela ukuhlolwa kwamanani omhlaba ngokwesigaba 78 soMthetho Wamarates oMhlaba woMasipala luyonqunywa uMasipala.
- (3) Uma kwenzeka inani lasezimakethe lomhlaba okhokhelwa amarates lenyuka noma lehla ngokungalindelekile ngenxa yanoma isiphi isizathu ngemuva kokulinganiswa kokugcina kwenani lalowo mhlaba, umnikazi womhlaba othintekayo kumele azise uMasipala ngencwadi noma ngohlelo lwezobuchwepheshe mayelana nezinguquko kwinani lasezimakethe lomhlaba othintekayo.
- (4) Iphutha elenzeka uma kuhlolwa inani lanoma imuphi umhlaba alisho ukuthi kudingeka kube nohlu lokuhlola olwengeziwe, futhi akuyekisi umuntu okhokha amarates alowo mhlaba ukuthi awakhokhe ngosuku lokukhokha.



## **ISAPHLUKO 4**

### **IMIBUZO, IZIPHUKISO NEZIKHALO**

#### **Imibuzo**

**14.(1)** Umasipala ungasungula uhlelo lokunquma ngemibuzo ephathelene nokuklanywa kwamanani futhi abize izimali ngokweNqubomgomo Yamatharifu ezikhokhelwa lolo hlelo lwemibuzo.

(2) Noma imuphi umuntu ofisa ukufaka imibuzo mayelana nokuklanywa kwamanani ngokwesigatshana (1) kumele agcwalise ifomu elinqunyelwe lokho uMasipala agcwalise nezikhala ezidingekayo kulona bese elithumela ehhovisi elibhalwe kulelo fom, kuhambisane nobufakazi bokukhokhwa kwezimali ezikhokhwayo ngokwesigatshana (1).

#### **Iziphukiso**

**15.(1)** Umklamimanani kaMasipala kumele ngokushesha –

- (a) acubungule iziphukiso ngokuhambisana nenqubo enqunywe umklamimanani kaMasipala;
- (b) anqume mayelana neziphukiso ebheka amaqiniso, okubandakanya okubekwe ophikisayo, futhi, uma ophikisayo engeyena umnikazi womhlaba, abheke okushiwo umnikazi womhlaba; futhi
- (c) alungise noma engeze ohlwini lwamanani ezakhiwo ngokuhambisana nesinqumo esithathiwe, kuncike ekubuyekazweni okuyimpoqo kwaleso sinqumo okuyokwenziwa ngokwesigaba 52 soMthetho Wamarates oMhlaba woMasipala uma umklamimanani kaMasipala eshintsha inani lomhlaba ngamaphesenti angu 10 ukulehlisa noma ukulenyusa.

(2) Umklamimanani kaMasipala kumele azise ngencwadi wonke umuntu ofake isiphukiso kanjalo nomnikazi womhlaba othintekayo uma ophikisayo engesiyena umnikazi, mayelana –

- (a) nesinqumo somklamimanani kaMasipala ngokwesigatshana (1)(b) mayelana naleso siphukiso;
- (b) nganoma iluphi ushintsho olwenziwe ohlwini lwamanani ezakhiwo mayelana nalowo mhlaba othintekayo;

(c) nokuthi ngabe isinqumo somklamimanani kaMasipala sizophoqeelwa yini ukuba sibuyekwezwe ngokwesigatshana 52 soMthetho Wamarates oMhlaba woMasipala.

(3) Uma seluqinisekisiwe, uhlu lwamanani ezakhiwo luyosebenza ngokusemthethweni isikhathi olusibekelwe, kuncike ekutheni kunelungelo lokukhalaza ngokwesigaba 54 soMthetho Wamarates oMhlaba woMasipala.

(4) Ukufakwa kwesiphikiso ngokwalesi sigaba akusho ukuthi sekukhona isimangalo esihlongozwe esigabeni 102(2) soMthetho weziNhlelo zoMasipala phakathi kukaMasipala nalowo ophikisayo.

### **Ilungelo lokukhalaza**

**16.**(1) Noma imuphi umuntu, kubandakanya uMasipala, ongenelisekile ngesinqumo esithathwe umklamimanani kaMasipala ngokwesigaba 15 salo Mthetho kaMasipala unelungelo lokukhalaza ngaphansi kwesigaba 54 soMthetho Wamarates oMhlaba woMasipala.

(2) Isikhalo esifakwe ngokwesigaba 54 soMthetho Wamarates oMhlaba woMasipala asiyekisi umuntu osifakayo ijoka lakhe lokukhokha amarates ngosuku lokukhokhwa kwamarates olunqunywe uMasipala.

(3) Ukufakwa kwesikhalazo ngokwesigaba 54 soMthetho Wamarates oMhlaba woMasipala akusho ukuthi sekufakwe isimangalo ezihlongozwe esigabeni 102(2) soMthetho weziNhlelo zoMasipala phakathi kukaMasipala nalowo okhalazayo.

(4) Izihlinzeko zalesi sigaba akumele zithathwe ngokuthi zivimbela umklamimanani ukuba abuyekeze umpumela wesiphikiso nanoma imuphi umuntu okhalazayo kuncike ebufakazini obusha obuqhamuka nalowo okhalazayo kumklamimanani kaMasipala.

(5) Noma imuphi umuntu, onemvume ebhalwe phansi yomklamimanani, angahoxisa isikhalazo asifakile ngokwesigatshana (1).

## **ISAHLUKO 5**

### **IZIHLINZEKO EZEJWAYELEKILE**

#### **Ukuchitshiyelwa kwemingcele kaMasipala**

**17.** Uma umhlaba noma umkhakha womhlaba usanda kufakwa endaweni engaphansi kolawulo lukaMasipala ngokuthi kuchitshiyelwe imingcele kaMasipala, ukuklanywa kwamanani namarates ngamarandi alowo mhlaba noma alowo mkhakha womhlaba kumele kube yikhona okusebenzayo kuze kuphele unyaka wezimali lowo mhlaba noma lowo mkhakha womhlaba ofakwe ngawo endaweni kaMasipala.

#### **Inzalo kumarates akweletwayo**

**18.** Uma isamba okumele sikhokhwe kumarates mayelana nomhlaba singakhokhwa ngosuku olunqunywe uMasipala lokukhokhwa kwawo, inzalo eyengezwayo emalini engakhokhiwe ikhula ngezinga elisemthethweni lenzalo izikhathi ngezikhathi, kuncike ezihlinzekweni zezigaba 9 no 55 zoMthetho Wamarates oMhlaba woMasipala.

#### **Ukuhlola amamalungelo omhlaba**

**19.** UMasipala unelungelo lokuhlola amalungelo asemthethweni mayelana nomhlaba othintekayo mayelana –

- (a) nengqalasizinda yemisebenzi yomphakathi; kanye
- (b) namalungelo okwelulwa kwezinhlelo zetayitela lomhlaba.

## **ISAHLUKO 6**

### **OKUNGXUBEVANGE**

#### **Ukudluliselwa kwamandla**

**20.(1)** Kuncike kuMthethosisekelo nasemithethweni kazwelonke neyesifundazwe esebenzayo, noma imaphi –

(a) amandla, ngaphandle kwamandla okukhulunywe ngawo esigabeni 160(2) soMthethosisekelo;

(b) amajoka; noma

(c) imisebenzi,

ngokwalo Mthetho kaMasipala, enikezwe uMkhandlu noma olunye uhlaka lukaMasipala lwezepolitiki, abasezikhundleni ngokwezepolitiki, amakhansela nabasebenzi angadluliselwa noma angadluliswa yilolo hlaka lwezepolitiki, abasezikhundleni ngokwezepolitiki, amakhansela noma abasebenzi adluliselwe emhlanganweni, noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshana (1) kumele kwenziwe ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwa uMkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala, kuncike kwinqubo esetshenziswayo ebekwe esigabeni 50(2) soMthetho okukhulunywe ngawo.

(3) Noma ikuphi ukudluliselwa kwamandla okuhlongozwe kulesi sigaba kumele kuqoshwe kwiRejista yokuDluliselwa kwaMandla, okumele ibe nolwazi mayelana –

(a) nenhlangotho noma nomuntu odlulisa amandla;

(b) okudluliselwa kuyena amandla; kanye

(c) nemibandela ehambisana nokudluliselwa kwamandla.

### **Imithetho echithwayo negcinwayo**

**21.**(1) Imithetho ebalulwe ohlwini lokuqala nolwesibili lweSheduli ekulo Mthetho kaMasipala ngalokhu iyachithwa.

(2) Wonke amalungelo nezibopho ebekukhona ngaphansi kwanoma imuphi uMthetho kaMasipala ochithiwe ngokwesigatshana (1) ayoqhubeka nokusebenza sengathi leyo Mithetho kaMasipala ayizange ichithwe.

### **Isihloko esifingqiwe nokuqala kokusebenza komthetho**

**22.** Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala Wamarates oMhlaba, 2015 kanti uqala ukusebenza ngosuku oyoshicilelwa ngalo *kwiGazethi yesiFundazwe*, yaKwaZulu-Natali.

**UHLELO**  
**IMITHETHO ECHITHWAYO**

<b><i>Inombolo nonyaka woMthetho kaMasipala</i></b>	<b><i>Isihloko</i></b>	<b><i>Ubungako obuchithwayo</i></b>
ISaziso sikaMasipala 31 sika 2008, esashicilelwa kwiGazethi yesiFundazwe No. 111 mhla ka 12 June 2008	UMthetho kaMasipala waseThekwini wokuKhokhwa kweNtela: Amarates oMhlaba	Wonke






# 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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1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
  2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
  3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
  4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
  5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
  6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
  7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
  8. All re-submissions by customers will be subject to the above cut-off times.
  9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
  10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

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](mailto:submit.egazette@gpw.gov.za).

