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29 JULY 2022
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No: 3312

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 421 OF 2022



THULAMELA MUNICIPALITY

**CREDIT CONROL AND DEBT COLLECTION
BY-LAW**

The Municipal Manager of Thulamela Local Municipality acting in terms 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Credit Control and Debt Collection By-Law for the Municipality as approved by Council as set out hereunder.

PREAMBLE

WHEREAS section 156(2) of the Constitution of the Republic of South Africa, 1996 requires a municipality to make and administer by-laws for the effective administration of the matters which it has the right to administer.

AND WHEREAS section 98 of the Local Government Municipal Systems Act , 2000 requires a municipality to adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement.

AND WHEREAS 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 WHEREAS section 96 of the Municipal Systems Act , 2000 requires a municipality to collect all monies due and payable to the municipality and to provide for the matters incidental thereto.

THEREFORE the Council of the Thulamela Local Municipality adopted the following by-law.

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1. DEFINITIONS

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

'Arrangement' means a written agreement entered into between the Municipality and debtor where specific terms and conditions for the payment of a debt are agreed to;

'Arrears' means any amount due and payable to the Municipality and not paid by the due date;

'Council' means the Council of the Thulamela Municipality;

'Councillor' means a member of the Council;

'Debt' means any monies owing to the Municipality and includes monies owing in regard to property rates, refuse services, motor vehicle registration and licensing, leases and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

'Debtor' means any person who owes a debt to the municipality;

'Defaulter' means a debtor who fails to fulfil the duty, obligation or undertaking to pay the debt.

'Due date' means the final date on which payment, as shown on the debtor's municipal account or in terms of a contract is due and payable;

'Indigent debtor' means a debtor who meets certain criteria, as determined by the Municipality from time to time;

'Interest' means a rate of interest, charged on overdue accounts as determined by Council on the Municipal Tarrifs;

'Municipality' means the Thulamela Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

'Official' means an "official" as defined in section 1 of the Local Government: Finance Management Act, 2003 (Act 56 of 2003);

'Policy' means the Municipality's Credit control and debt collection policy;

'Service' means "municipal service" as defined in section 1 of the Systems Act, and includes a function listed in Schedule 4B of the Constitution of the republic of South Africa, 1996 and any other service rendered by the Municipality;

'Systems Act' means the Local Government: Municipal Systems Act, No 32 of 2000;

'Third party debt collector' means any person or persons authorized to collect monies or institute legal proceeding against debt, on behalf of the Municipality;

'This By-law' include the Credit Control and debt Collection Policy;

'User' means a person who receives services that are rendered by the Municipality;

2. PURPOSE

- (1) To give effect to the municipality's credit control and debt collection policy. Its implementation and enforcement as outlined in section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. LIABILITY FOR MUNICIPAL SERVICES AND ASSESSMENT RATES

- (1) The customer must make an application for site purchase, and that will form basis for an agreement for payment of municipal services and assessment rates.
- (2) An application for site purchase that has been submitted by the customer and approved by the municipality shall constitute a written agreement between the municipality and the customer and such agreement shall take effect on the date referred to or stipulated in the agreement.
- (3) The municipality is only obliged to provide a level of services as per zoning of the property and municipality has resources and provides those services.
- (4) If, at the commencement of these by-laws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall, until the customer enters into an agreement, be deemed that—
 - (a) an agreement as envisaged exists; and
 - (b) the level of services rendered to that customer is at a level of services per zoning of the property purchased by the customer.
- (5) The municipality must take reasonable steps to ensure that an illiterate person who wishes to complete an application form understand the document as well as the consequences of purchasing a site, and must also notify the customer of the possibility of registering as an indigent customer.
- (6) If the municipality—

- (a) refuses an application for the provision of municipal services or a specific service or level of service;
- (b) is unable to render municipal services, or a specific service or level of service, when the customer wants it; or
- (c) is unable to render municipal services, a specific service, or a specific level of service;
it must, within 7 (seven) days of becoming aware of its inability, inform the customer about its inability, and must furnish the reasons for its inability and, if it is able to do so, inform the customer of when the municipal services, or a specific service shall be resumed.

4. DUTY TO COLLECT DEBT

All debt owing to the Municipality must be collected in accordance with this By-laws and the policy.

5. PROVISION OF SERVICES

New applications for services and the provision of new services must be dealt with as prescribed in this By-laws and the policy.

6. APPLICABLE CHARGES FOR MUNICIPAL SERVICE

- (1) All applicable charges payable in respect of municipal services, (including but not limited to fixed charges or additional charges) shall be set by the municipal council from time to time in accordance with-
 - (a) Its tariff policy
 - (b) The by-laws and
 - (c) Any legislation and regulations made in terms of national or provincial legislation.
- (2) Applicable charges may vary for different categories of customers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas.

7. DEPOSITS

- (1) Upon approval of the application and before the service is made available, the municipality may require the applicant-
 - (a) to make a deposit for municipal services with the municipality;

(b) to provide any other form of security; or

(c) to agree to special conditions regarding payment of the municipal account and monies so deposited with the municipality to serve as security and working capital.

(2) A municipal council may require the applicant to pay a deposit that has been determined by it and may determine that different deposits be paid by different categories of customers, users of services and debtors as well as for different services and standards of service.

(3) The municipal council may specify acceptable forms of deposits, which may include:

(d) Cash

(e) Irrevocable bank guarantee.

(4) A deposit determined by the Municipal Council must be paid by a customer when applying for a municipal service and no service will be rendered until it has been paid.

(5) No interest shall be payable by the municipality on any deposit, or part of a deposit, held by it.

(6) The municipality may annually review a deposit to be paid.

(7) On termination of the supply of services, the amount of such deposit, as determined by the municipality, less any payments due to the municipality, must be refunded to an account holder.

8. INTEREST CHARGES

(1) Interest may be levied on arrears.

(2) The municipal council may differentiate between types of domestic customers, types and levels of services, quantities of services, geographical areas and socio-economic areas in levying interest on arrears.

(3) Where a debt is overdue for the part of a month, interest will be calculated for the month at a rate approved by the Council as per the Municipal Tarrifs.

9. ACCOUNTS AND PAYMENTS

(1) Accounts shall be rendered monthly to customers at the customer's last recorded address.

(2) Where in the opinion of the municipality it is not reasonably possible or cost effective to render accounts, the municipal council may, notwithstanding sub-section (1), decide not to render accounts to those consumers.

- (3) A person liable for rates and services must furnish the municipality with an address where correspondence can be directed to.
- (4) It is the responsibility of a person liable for rates and services to furnish the Municipality with active mailing /contacts, where monthly rate and service accounts can be directed to.
- (5) A person is liable for payment of rates and services whether or not that person has received a written account.
- (6) If a person has not received a written account, that person must make the necessary enquiries from the municipality
- (7) Failure by the customer to receive or accept an account does not relieve a customer of the obligation to pay any amount that may be due and payable.
- (8) The municipality shall, if it is reasonably possible to do so, issue a duplicate account to a customer on request after receipt of payment as per applicable tariff.
- (9) Accounts must be paid not later than the last date for payment specified on it.
- (10) Accounts for municipal services shall—
 - (a) reflect at least the—
 - (i) services rendered;
 - (ii) period addressed in the account;
 - (iii) applicable charges;
 - (iv) subsidies;
 - (v) amount due (excluding the value added tax payable)
 - (vi) value added tax;
 - (vii) adjustment, if any, to an account;
 - (viii) arrears;
 - (ix) interest payable on any arrears;
 - (x) final date for payment; and
 - (xi) methods, places and approved agents where payment may be made.

10. CLEARANCE CERTIFICATE

- (1). On the sale of any property in the municipal jurisdiction, council will withhold the transfer until all rates, service and sundry charges are estimated amounts for the

duration of a certificate in connection with the property are paid, by withholding a clearance certificate,

(2). The municipality will issue such clearance certificate after the payment have been received per quoted clearance figures,

(3). All payments will be allocated to the registered seller's municipal accounts and all refunds will be made to such seller,

(4). No interest shall be paid in respect of these payments,

(5). Where any residential or non-residential debtor has entered into an arrangement with the Municipality in respect of the arrears on a property, the prescribed certificate as referred to in Section 118 of the Act, will not be issued until such time as the full outstanding amount have been paid.

(6). In terms of section 118(3) of the Act an amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property,

(7). Accordingly, all such municipal debts shall be payable by the owner of such property without prejudice to any claim which the municipality may have against any other person,

(8). On application for clearance, any arrangements, acknowledgement of debt shall be cancelled, and all debts on the property shall become due, owing and payable.

(9.) The payments of clearance certificate must be made in cash, EFT, Bank transfer or by irrevocable bank guarantee, there shall be no refunds on cancellation of sale,

(10). The certificate shall be valid for a period of 90 days from date of issue.

11. ARREARS

(1) If a customer fails to pay the account on or before the due date, the customer must inform the municipality in writing the reasons thereof and make acceptable arrangements for the settlement of any arrears;

(2) If one account is rendered for more than one municipal service provided, all arrears due and payable by a customer constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:

- (a) towards payment of the current account;
- (b) towards payment of arrears; and
- (c) towards payment of interest.

12. ARRANGEMENTS TO PAY ARREARS

- (1). The Municipality may enter into payment arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-Law and the policy.
- (2). 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.

13. FAILURE TO HONOUR PAYMENT ARRANGEMENTS/ AGREEMENTS

- (1) If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including arrears, any interest, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable without further notice or correspondence and the municipality may—
 - (a) institute legal action for the recovery of the arrears; and
 - (b) hand the customer's account over to a debt collector or an attorney for collection.

14. AGREEMENT WITH A DEBTOR'S EMPLOYER

14.1 The municipality may-

- (a) with the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor-
 - (i) any outstanding amounts due by the debtor to the Municipality, or
 - (ii) regular monthly amounts as may be agreed; and
- (b) provide special incentive for-
 - (i) employers to enter into such agreements; and
 - (ii) debtors to consent to such agreements

14.2 The Municipal debt of officials or councillors of the Municipality shall be deducted from the salaries of such official or councillor if outstanding debt is more than one month in arrears.

15. RECOVERY OF DEBT AND LEGAL ACTION

- (a). Legal action may be instituted against any customer for the recovery of any amount more than 90 (Ninety) days in arrears.
- (b). A claim for arrears may be ceded to a debt collector for collection

(c).The Municipality may, with regards to rates and refuse services rendered, and may with regard to other debt-

- (i).By legal action recover any debt from any person, and
- (ii).Recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the republic of South Africa, 1996 and may refer a debtor to the third party debt collection agencies and have such debtor placed on the National Credit Rating list.

16. RECOVERY OF COSTS

The Municipality may recover from the customer/debtors the following costs, in instances where such costs are incurred by or on behalf of the Municipality.

- (a) Legal and administration costs, including attorney, client costs and tracing fees incurred in the recovery of debts.
- (b) Any collection commission incurred.

17. ATTACHMENT AND LISTING OF DEFAULTERS WITH CREDIT BUREAU'S

The Municipality may,

- in order to recover debt approach a competent court for an order to attach a debtor's movable property.
- list the defaulters with the Credit Bureau.

18. CLAIM ON RENTAL FOR OUTSTANDING DEBT

The Municipality may in terms of section 28 of the Municipal Property Rates Act, 2004 (Act No 6 of 2004), attach any rent due in respect of any rateable property, to recover in part or in full any amount in respect of outstanding rates after due date.

19. FULL AND FINAL SETTLEMENT PAYMENTS

Where an account is not settled in full, any lesser amount tendered to, and accepted by, the municipality shall not be a full and final settlement of such account despite the fact that the payment was tendered, in full and final settlement, unless the municipal manager or the authorized manager of the municipality's, expressly accepts it in writing as being in full and final settlement of the account in question.

20. CONSOLIDATION OF DEBTOR'S ACCOUNTS

The Municipality may-

- (a) Consolidate any separate accounts of a debtor;

- (b) Credit a payment by the debtor against any account of the debtor; and
- (c) Implement any measures provided for in these By-laws and the policy; in relation to any arrears on any of the accounts of such debtor.

21. INDIGENTS

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

22. DELEGATION

The Municipality may delegate its powers in terms of the By-law or the policy to any official or service provider of the Municipality.

23. PROCESS FOR GRIEVANCES AND QUERIES

- (1) An aggrieved person may lodge a grievance or query regarding service charges to the municipality in writing or in the prescribed form.
- (2) The aggrieved person shall clearly state the basis of his or her dissatisfaction and the desired outcome.
- (3) The lodging of a grievance or query shall not relieve the aggrieved person of the responsibility to settle the account, provided that the municipality may, on application in writing and in his or her sole discretion, direct that interim payments may be made pending the finalisation of the grievance or query.
- (4) The Municipality shall respond to such grievance or query in writing within 30 (thirty) days from the date of the lodgement of the grievance or query.

24. APPEALS

- (1) A person aggrieved by any decision taken in terms of these by-law and in terms of a power or duty delegated or sub-delegated, may appeal against such decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) by giving written notice of the appeal and the reasons to the Municipal Manager within 21 (twenty one) days of the date of the notification of the decision.
- (2) The municipality shall consider the appeal and confirm, vary or revoke the decision.
- (3) The Municipal Manager must commence with an appeal within 6 (six) weeks and decide the appeal within a reasonable period.

25. OFFENCES AND PENALTIES

Any Person who-

- (a) Obstructs or hinders any councillor or official of the Municipality in the execution of his or her duties under these By-laws or the policy;
- (b) Unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
- (c) Fails to comply with a notice served in terms of this By-law of the policy;
- (d) Supplies false information regarding the supply of services or with regard to an application for assistance as an indigent;

shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding one thousand rand or imprisonment for a period not exceeding 3 months or to such imprisonment without the option of a fine or both such fine and such imprisonment.

26. INDEMNIFICATION FROM LIABILITY

Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the municipality are liable for any damage arising from any omission or act done in good faith in the course of his or its duties.

27. OPERATIVE CLAUSE

These by-laws will commence on publication thereof in the Provincial Gazette.

28. REPEAL OF BY-LAWS

The provisions of any by-laws relating to credit control and debt collection by the municipality are hereby repealed in so far as they relate to the matters provided for in these by-laws and policy.

29. SHORT TITLE

These By-Laws are called Credit Control and Debt Collection By-Laws of the Thulamela Local Municipality, 2022



THULAMELA MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

The Municipal Manager of Thulamela Local Municipality acting in terms 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Municipal Property Rates By-Law for the Municipality as approved by Council as set out hereunder.

PREAMBLE

WHEREAS the constitution of Republic of South Africa, 1996, entitles municipalities to impose rates on property in their areas

AND WHEREAS the constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;

AND WHEREAS there is a need to provide local government with access to sufficient and buoyant source of revenue necessary to fulfil its developmental responsibilities;

AND WHEREAS income derived from property rates is a critical source of revenue for municipalities to achieve their constitutional objectives;

AND WHEREAS section 6 of the local Government: Municipal Property Rates 2004(Act No.6 of 2004) provides that municipality must adopt by-laws to give effect to implementation of the rates policy

BE IT THEREFORE ENACTED by the Thulamela Local Municipality, as follows:

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1. Definitions

In these by-law, any word or expression to which a meaning has been assigned in the Local Government Municipality Property Rates Act, 2004, bears meaning and unless the context indicates otherwise:

“Credit Control and Debt Collection By-laws” means the Municipality’s promulgated Credit Control and Debt Collection By-laws;

“Indigent” means that any household that is legally resident in the country and reside in the Thulamela municipality’s jurisdictional area , who are to number of economic and social factors are unable to pay municipal basic services, and is registered by the Municipality as such;

“Municipal property” means that any rateable or non-rateable, owned by the municipality

“Municipality” means the Thulamela Local Municipality established in terms of section of 12 of the Local Government: Municipal Structure Act, 1998 (Act No 117 of 1998)

“the Act” means the Local Government Property Rates act, 2004 (Act No 6 of 2004);
and

“vacant land” in relation to property, means-

- (a) land on which no immovable improvements have been erected ;or
- (b) land ,where the value added by immovable improvements is less than 10% of the value of the land with no immovable on it ,applicable to urban and non-urban.

2. Purpose of by-law

To give effect to the implementation of the municipal rates policy as outlines in section 6 of the Act.

3. Categories of properties

(1) Categories of rateable property for purposes of levying differential rates are in terms of section 8(2) of the Municipal Property Rates Acts determined as follows:

- a) Residential properties;
- (b) industrial properties;
- (c) business and commercial properties;
- (d) agricultural properties;
- (e) mining properties;
- (f) properties owned by an organ of state and used for public service purposes;
- (g) public service infrastructure properties;
- (h) properties owned by public benefit organisations and used for specified public benefit activities;
- (i) properties used for multiple purposes, subject to section 9: or
- (j) any other category of property as may be determined by the Minister, with the concurrence of the Minister of Finance, by Notice in the *Gazette*.

4. Categories of owners

(1) Owners of the properties as outlines in section 4 are liable for the payment of rates as provided for in section 6(2) (b) of the Act as determined by valuation and supplementary valuation roll of the municipality.

5. Exemptions, reductions and rebates

- (1) The following categories of owners are determined for the purposes of granting exemptions, reductions and rebates:
- (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 temporarily without income;
 - (f) owners dependent on pensions or social grant for their livelihood; and
 - (g) any other owners as outlined in section 15 to 18 of the Act.

6. 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; and
 - (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 by way of reductions and rebates as provided for in the municipality's rates policy.

7. Payment of rates

- (1) Council shall levy assessment rates: -
- (a) on a monthly basis or less regular as determined by the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003),
 - (b) by credit control and debt collection by-law and policy; or

- (c) annually, as agreed with the owner of the property.
- (2) Assessment rates is payable:-
- (a) annually in a once off amount determined by the municipality; or
- (b) in instalments payable on or before the 7th day of the month following on the month in which it becomes payable and in the case of rates based on a supplementary valuation from one of the dates as contemplated in section 78(4) of the Act.
- (3) Interest on arrears rates, shall be calculated in accordance with the provisions of the credit control, debt collection policy and its by-law.
- (4) 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 the owner in accordance with the provisions of the credit control and debt collection policy and its by-law.
- (5) Arrear rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:
- (a) if an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:
- (b) from the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;
- (c) from a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in subparagraph (a).
- (6) The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned.
- (7) The notice shall give the party concerned at least 14 calendar days to pay the outstanding rates.
- (8) 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 shall 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.
- (9) In addition, 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 shall be levied at the maximum rate permitted by Act.

8. Accounts to be furnished

- (1) The municipality shall 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, necessary enquiries must be made with the municipality.
- (3) In the case of joint ownership the municipality shall 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.

9. 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 shall be attended to in consultation with the committee 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; and
 - (j) the additional income that will be generated by means of this special rating.
- (5) In determining the special additional rates the municipality shall differentiate between different categories as referred to in section 4.
- (6) The additional rates levied shall be utilized for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

10. **Payment of rates**

- (1) The owner of the property is the person liable for the payment of the rates levy on the property, as determined in section 24 of the Act.
- (2) Joint owners of a property shall be jointly and severally liable for the payment of the rates levied on the property.
- (3) In the case where an agricultural property is owned by more than one owner in undivided shares and these undivided shares were allowed before the commencement date of the subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970), the municipal Council shall hold any joint owner liable for all the rates levied in respect of the Agricultural property concerned or hold any joint owner only liable for that portion of rates levied on the property that the represents that joint owner's undivided share in property.
- (4) Rates levied on property in sectional title schemes ,shall be payable by the owner of each unit ,the municipal council may, depending on the circumstances , have an agreement with the body corporate the collect rates on its behalf as its agents.
- (5) Rates levied on property in sectional title schemes, where the body corporate is the owner of any specific sectional title unit, shall be payable by the Body Corporate.
- (6) If any amount due for rates is unpaid by the owner of the property ,the municipality may recover the amount from the tenant or occupier of the property, The amount due for rates may also be recovered from the agent of the owner as set out in section 29 of the Act.
- (7) In the event of a company ,closed corporation or body corporate in terms of the Sectional Title Act ,1986 (Act No 95 of 1986)is the owner of the property ,the

payment of property rates is the joint responsibility of the directors and members of the legal person.

- (8) Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalment on or before the seventh day of the month following on the month in which it becomes payable.
- (9) If the owner of property that is subject to rates , notify the municipal manager or his or her nominee not later than 31 May in financial year, or such later date in such financial year as may be determined by the municipal manager or his or her nominee that he or she wishes to pay all rates in respect of such property in instalments , such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him or her in a similar manner.
- (10) Interest on arrears rates, whether payable on or before 7th of each month or in equal monthly instalments, shall be calculated in accordance with the provision of the credit control, debt collection and indigent policy of the municipality
- (11) If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him or her in accordance with the provision of the Credit Control, Debt Collection and indigent policy of the municipality.
- (12) Arrears rates shall be recovered from tenants, occupiers and agent of the owner, in terms of section 28 and 29 of the Act.
- (13) Where the rates 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 shall 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 current valuation.
- (14) In addition ,where the error occurred because of the false information provided by the property owner or as a results of a contravention of the permitted use of

the of the property concerned , interest on the unpaid portion of the adjusted rates payable shall be levied a maximum rate permitted by prevailing legislation.

11. Repeal

The provisions of any by-laws relating to property rates by-laws by the municipality are hereby repealed in so far as they relate to the matters provided for in these by-laws and policy.

12. Short title

This by-law is called Thulamela Local Municipality Property Rates By-Laws and shall be effective on the date of publication in the *provincial gazette*.



Department of Financial Services

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RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL 1 JULY 2022 TO 30 JUNE 2023

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number **OC 05/05/22** to levy rates on the property reflected in the schedule below with effect from **1 July 2022**. The Council resolution was taken on **30 May 2022**

Category of property	2022/2023
Business , cent per rand...	0.0110
Residential, cent per rand	0.0082
State Owned Properties, cent per rand	0.0110
Industrial property, cent per Rand	0.0110
Agricultural Property, cent per rand	0.002050
Public Service Infrastructure Property, cent per rand	0.002050
Public Benefit Organisation Property, cent per rand	0.002050
Church, cent per rand ...100% rebate on all properties	0.0114
Municipal Property...100% rebate on all properties	0.0091
Mining, cent per rand	0.0110
Properties owned by an organ of state/used for public service purposes, cent per rand	0.0110

Full details of the Council resolution and rebates, reductions, and exclusion specific to each category of owners of properties or owner of a specifies category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's office, website (www.thulamela.gov.za).

MR MAXUMULE M
 ACTING MUNICIPAL MANAGER
 CIVIC CENTRE, OLD AGRIVEN BUILDING, THOHOYANDOU, 0950
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