



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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28 May 2021  
28 Mei 2021

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**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	<b>PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS</b>		
48	Local Government: Municipal Property Rated Act (6/2004) as amended: Thaba Chweu Local Municipality: Public notice: Notice of a Supplementary Valuation to the General Valuation Roll for the period 2019 to 2024	3265	3
49	Mpumalanga Gambling Act (5/1995) as amended: Application for Site Operator Licence and Application for Removal of Premises: Various Applicants.....	3265	4
	<b>LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS</b>		
48	Emalahleni Spatial Planning and Land Use Management By-Law, 2016: Erf 1478, Hlalanikahle Extension 2..	3265	5
48	Verordening op Emalahleni Ruimtelike Beplanning en Grondgebruikbestuur, 2016: Erf 1478, Hlalanikahle Uitbreiding 2 .....	3265	6
49	Thembelesile Hani Local Municipal By-Law on Spatial Planning and Land Use Management, 2016: Various Portions of the Farm Enkeldoornoo 219-JR .....	3265	7
49	Thembelesile Hani Plaaslike Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016: Verskeie Gedeelte van die plaas Enkeldoornoo 219-JR .....	3265	8
50	Thaba Chweu Local Municipality Land Use Scheme 2018: Portion 2 of Erf 114 Lydenburg .....	3265	9
50	Thaba Chweu Grondgebruikskema 2018: Gedeelte 2 van Erf 114 Lydenburg .....	3265	9
51	Local Government: Municipal Property Rates Act (6/2004): Public Notice calling for inspection of the Supplementary Valuation Roll and lodging of objections .....	3265	10
52	Local Government: Municipal Systems Act (32/2000): Emalahleni Local Municipality: By-Law on the Prevention of Public Nuisances .....	3265	11
53	Local Government: Municipal Systems Act (32/2000) as amended: Thembelesile Hani Local Municipality: Tariff By-Laws .....	3265	27
54	Local Government: Municipal Systems Act (32/2000): Thembelesile Hani Local Municipality: Property Rates By-Law .....	3265	40
55	Local Government: Municipal Systems Act (32/2000): Maruleng Local Municipality: Notice on the Draft Policies and By-Laws .....	3265	72

## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 48 OF 2021

**PUBLIC NOTICE****THABA CHWEU LOCAL MUNICIPALITY****NOTICE OF A SUPPLEMENTARY VALUATION TO THE GENERAL VALUATION ROLL FOR THE PERIOD  
2019 TO 2024**

Notice is hereby given in terms of section 78(5)(a) read together with Section 78(5)(b) of the Local Government: Municipal Property Rated Act, Act No. 6 of 2004, as amended hereinafter referred to as the "Act", that a supplementary Valuation to the General Valuation Roll has been completed.

An invitation is hereby made in terms of Section 78(5)(b) of the Act that any owner of the property who so desires may request a review with the Municipal Manager in respect of any matter reflected in the supplementary valuation within the period of 30 days of the date here-of.

**\*NB:** Attention is drawn to the fact that in terms of section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the supplementary valuation roll as a whole.

The forms for lodging of an objection are obtainable from the office listed below, and a fee of R11.00 is payable for each objection form.

The completed form must be returned to the addresses listed below on or before 31 May 2021.

**No objections received by fax or e-mail will be accepted.**

No objection pertaining to the General Valuation Roll will be accepted.

**Ms S S Matsi**  
**Municipal Manager**  
**Thaba Chweu Local Municipality**

**LYDENBURG OFFICE**  
Cnr. Viljoen & Sentraal  
Enq: D Chauke  
Tel: (013) 235 7340

**Notice: 33/2020-2021**

**PROVINCIAL NOTICE 49 OF 2021**  
**MPUMALANGA GAMBLING ACT, 1995 (ACT NO.5 OF 1995) AS AMENDED**  
**APPLICATION FOR SITE OPERATOR LICENCE AND APPLICATION FOR REMOVAL OF PREMISES**

Notice is hereby given that the following Applicant intends on submitting application(s) to the Mpumalanga Economic Regulator (MER) for Site Operators Licences:

1. The Spear Venues (Pty) Ltd trading as The Spear Venues at Stand 5054, Extension 14, Bears Building, 8 Joep Steyn Street, Secunda, Gert Sibande, Mpumalanga 2302.
2. Elegant Guest House 1320 (PTY) LTD trading as Elegant Guest House at Air Street, Stand 2/925, Malelane, Nkomazi, Ehlanzeni, 1331.
3. Steve Lovers Mahori trading as Papa Ncane Bar Lounge at Stand 324 Block B, Kamaqhekeza, Nkomazi, Ehlanzeni, 1379.

Notice is hereby given that the following Applicant intends submitting application to the Mpumalanga Economic Regulator (MER) to transfer a site operator licence(s):

- 1 Muntu Sydwell Thumbathi trading as Naas Restaurant to Constance Nonsikelelo Thembile Thumbathi trading as Naas Restaurant at Stand 820, Kamaqhekeza Trust, Nkomazi, White River, Mbombela, Ehlanzeni, 1242.
- 2 Howard Mefika Mkhathshwa trading as Gogo Bar to Mefika Solutions trading as Gogo Bar at Stand No. 1638, Matsulu A, Mbombela, Ehlanzeni, 1300.

These applications will be open for public inspection and objection at the offices of the MER from 28 May 2021

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the applications. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regular, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 28 May 2021.

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 48 OF 2021**

**Notice of an application in terms of Section 98 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, for the subdivision and rezoning of Erf 1478 Hlalanikahle Extension 2 in terms of Sections 71 and 66 of the Emalahleni Local Municipality Spatial Planning and Land Use Management By-Law 2016, as read with the provisions of Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)**

Notice is hereby given for the subdivision and rezoning of Erf 1478 Hlalanikahle Extension 2 for the purposes of upgrading the existing informal settlement that is currently situated thereon. The proposed upgrading is being funded by the Department of Human Settlement, Mpumalanga Province. The application will be processed as follows:

1. The subdivision of Erf 1478 Hlalanikahle Extension 2 into approximately 60 erven will be done in terms of Section 71 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016; and
2. The Rezoning of the proposed subdivided erven from "Government" to "Residential 2" will be done in terms of section 66 (1) of the Emalahleni Municipal By-Law on Spatial Planning and Land Use Management, 2016.

**Number of erven in proposed township according to proposed zoning:**

<b>Proposed Zoning</b>	<b>Number of erven</b>
Residential 2	60
Public roads	-
<b>TOTAL</b>	<b>60</b>

A copy of the application may be inspected during normal office hours at the Directorate Development Planning, 3<sup>rd</sup> Floor, Civic Centre, Mandela Avenue, Emalahleni, 1035. Contact details of relevant Municipal officials: Ms. D. Mkhabela (013 690 6354) / Mr. V. Manyoni (013 690 6480)/ Ms M Demas (013 690 6278).

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, together with a motivation, in a format as contemplated in Sections 103 and 104 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager, P.O. Box 3, Witbank and the undersigned, within a period of 21 days from date of this notice and not later than 22 June 2021.

Name of agent: Isibuko Development Planners cc

Physical Address of agent: Unit 2, Building 4,  
141 Witch-Hazel Avenue,  
Techno Park, Highveld,  
Centurion, 0157

Contact details of agent: 012-6431154

21-28

**PLAASLIKE OWERHEID KENNISGEWING 48 VAN 2021**

**Kennisgewing van 'n aansoek ingevolge artikel 98 van die Verordening op Emalahleni Ruimtelike Beplanning en Grondgebruikbestuur, 2016, vir die onderverdeling en hersonering van Erf 1478 Hlalanikahle Uitbreiding 2 ingevolge Afdelings 71 en 66 van die Emalahleni Plaaslike Munisipaliteit Ruimtelike Beplanning en Verordening op grondgebruikbestuur 2016, soos gelees met die bepalings van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet nr. 16 van 2013)**

Kennis geskied hiermee vir die onderverdeling en hersonering van Erf 1478 Hlalanikahle Uitbreiding 2 vir die opgradering van die bestaande informele nedersetting wat tans daarop geleë is. Die voorgestelde opgradering word befonds deur die Departement van Menslike Nedersetting, Mpumalanga. Die aansoek sal soos volg verwerk word:

1. Die onderverdeling van Erf 1478 Hlalanikahle Uitbreiding 2 in ongeveer 60 erwe sal gedoen word in terme van Artikel 71 van die Verordening op Ruimtelike Beplanning en Grondgebruikbestuur van Emalahleni, 2016; en
2. Die hersonering van die voorgestelde onderverdeelde erwe van "Regering" na "Residensieel 2" sal gedoen word ingevolge artikel 66 (1) van die Emalahleni Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016.

**Aantal erwe in voorgestelde dorp volgens voorgestelde sonering:**

<b>Voorgestelde sonering</b>	<b>Aantal erwe</b>
Residensieel 2	60
Openbare paaie	-
<b>TOTAAL</b>	<b>60</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure besigtig word by die Direktoraat Ontwikkelingsbeplanning, 3de Verdieping, Burgersentrum, Mandelarylaan, Emalahleni, 1035. Kontakbesonderhede van relevante munisipale amptenare: me. D. Mkhabela (013 690 6354) / mnr. V. Manyoni (013 690 6480) / Me M Demas (013 690 6278).

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe indien, tesame met 'n motivering, in die formaat soos bedoel in Afdelings 103 en 104 van die Verordening op Ruimtelike Beplanning en Grondgebruikbestuur Emalahleni, 2016, met die munisipale bestuurder, PO Box 3, Witbank en die ondergetekende, binne 'n tydperk van 21 dae vanaf datum van hierdie kennisgewing en nie later nie as 22 Junie 2021.

Naam van agent: Isibuko Development Planners cc  
 Fisiese Adres van agent: Eenheid 2, Gebou 4,  
 141 Witch-Hazel Laan,  
 Techno Park, Hoëveld,  
 Centurion, 0157  
 Kontakbesonderhede van agent: 012-6431154

21-28

**LOCAL AUTHORITY NOTICE 49 OF 2021**

**NOTICE OF APPLICATION MADE IN TERMS OF SECTION 98 OF THE THEMBISILE HANI LOCAL MUNICIPALITY BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ WITH THE PROVISIONS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO 16 OF 2013): PROPOSED TOWNSHIP (UPGRADING OF SUN CITY AA EXTENSION INFORMAL SETTLEMENT) ON: VARIOUS PORTIONS OF THE FARM ENKELDOORNOOG 219 – JR THEMBISILE HANI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.**

Notice is hereby given in terms of Section 98 of the Thembisile Hani Local Municipal By-Law on Spatial Planning and Land Use Management, 2016 that an application for the establishment of a township on various portions of the Farm Enkeldoornoog, 219 – JR, Mpumalanga Province has been lodged with the Thembisile Hani Local Municipality, in terms of Section 59 of the Thembisile Hani Local Municipal By-Law on Spatial Planning and Land Use Management, 2016.

The municipality in association with the Department of Human Settlement seeks to establish a township by upgrading an existing informal settlement (Sun City AA Extension) situated on the above-mentioned properties into a sustainable human settlement. The project area is situated approximately 70km north-east of Pretoria within Thembisile Hani Local Municipality. It is also found on the northern side of the R573 Road and east of the R568 Road and the KwaMhlanga Crossroads shopping Complex.

Number of erven in proposed township according to proposed zoning:

<b>Proposed Zoning</b>	<b>Number of Erven</b>
Residential	2333
Business	11
Primary School Site	2
Resort	1
Place of Worship	1
Cemetery	1
Administrative	1
Passive Open Space	3
Public Roads	-
<b>TOTAL</b>	<b>2353</b>

A copy of the application may be inspected during normal office hours at the Development and Town Planning Services, Stand 24, Front Opposite Kwaggafontein Police Station, Along R573 Road (Moloto Road). Contact details of relevant Municipal officials: Mr M. S. Tefo (Tel. 013 986 9124) / Mr. M. Tsebe (Tel. 013 986 9191).

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, together with a motivation, in a format as contemplated in Sections 104 of the Thembisile Hani Local Municipality Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager at P. Bag X4041, Empumalanga, 0458 or at Stand 24, Front Opposite Kwaggafontein Police Station, Along R573 Road (Moloto Road), within a period of 21 days from date of this notice and not later than 22 June 2021. The objections may alternatively be sent to the undersigned,

Name of agent: Isibuko Development Planners cc  
Physical address of agent: Unit 2, Building 4, 141 Witch-Hazel Avenue,  
Techno Park, Highveld, Centurion, 0157  
Contact details of agent: 012-643 1154

21-28

**PLAASLIKE OWERHEID KENNISGEWING 49 VAN 2021**

**KENNISGEWING VAN AANSOEK INGEVOLGE ARTIKEL 98 VAN DIE THEMBISILE HANI PLAASLIKE MUNISIPALITEIT WET OP RUIMTEBEPLANNING EN GRONDGEBRUIKSBESTUUR, 2016, LEES MET DIE BEPALINGE VAN WET OP RUIMTEBEPLANNING EN GRONDGEBRUIK, 2013 (WET NO 16 VAN 2013) VOORGESTELDE DORP (OPGRADERING VAN SUN CITY AA UITBREIDING INFORMELE NEDERSETTING) OP: VERSKEIE GEDEELTE VAN DIE PLAAS ENKELDOORNOOG 219 - JR THEMBISILE HANI PLAASLIKE MUNISIPALITEIT, PROVINSIE MPUMALANGA.**

Kennis geskied hiermee ingevolge artikel 98 van die Thembisile Hani Plaaslike Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016 dat 'n aansoek om die oprigting van 'n dorpsgebied op verskillende gedeeltes van die plaas Enkeldoornoo, 219 - JR, Mpumalanga Provinsie. ingedien is by die Thembisile Hani Plaaslike Munisipaliteit ingevolge Artikel 59 van die Thembisile Hani Plaaslike Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016.

Die munisipaliteit wil in samewerking met die Departement van Menslike Nedersetting 'n dorp stig deur 'n bestaande informele nedersetting (Sun City AA Extension) op bogenoemde eiendomme op te gradeer tot 'n volhoubare menslike nedersetting. Die projekgebied is ongeveer 70 km noord-oos van Pretoria in die Thembisile Hani Plaaslike Munisipaliteit geleë. Dit word ook aan die noordekant van die R573weg en oos van die R568weg en die KwaMhlanga Crossroads-winkelkompleks aangetref.

Aantal erwe in voorgestelde dorp volgens voorgestelde sonering:

<b>Voorgestelde sonering</b>	<b>Aantal erwe</b>
Residensieel	2333
Besigheid	11
Laerskoolterrein	2
Oord	1
Plek van aanbidding	1
Begraafplaas	1
Administratief	1
Passiewe oop ruimte	3
Openbare paaie	-
<b>TOTAL</b>	<b>2353</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure besigtig word by die Ontwikkelings- en Stadsbeplanningsdienste, Stand 24, Voorkant Kwaggafontein Polisiestasie, Langs R573weg (Molotoweg). Kontakbesonderhede van relevante munisipale amptenare: mnr. M. S. Tefo (Tel. 013 986 9124) / mnr. M. Tsebe (tel. 013 986 9191).

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe indien, tesame met 'n motivering, in 'n formaat soos bedoel in Afdelings 104 van die Thembisile Hani Plaaslike Munisipaliteit: Ruimtelike Beplanning en Grondgebruikbestuur; Law, 2016, met die Munisipale Bestuurder by P. Bag X4041, Empumalanga, 0458 of by Stand 24, Voorkant Kwaggafontein Polisiestasie, Langs R573weg (Molotoweg), binne 'n tydperk van 21 dae vanaf datum van hierdie kennisgewing en nie later nie as 22 Junie 2021. Die besware kan alternatiewelik aan die ondergetekende gestuur word,

Naam van agent: Isibuko Development Planners cc  
 Fisiese adres van agent: Eenheid 2, Gebou 4, Witch-Hazellaan 141,  
 Techno Park, Highveld, Centurion, 0157  
 Kontakbesonderhede van agent: 012-6431154

21-28



**LOCAL AUTHORITY NOTICE 50 OF 2021**

NOTICE OF REZONING APPLICATION IN TERMS OF SECTION 66 OF THE THABA CHWEU SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 - AMENDMENT SCHEME 22/2018

I, Theo Ernst Kotze, being the duly appointed agent of the owner of the property mentioned below, hereby give notice that I have applied to the Thaba Chweu Local Municipality for the amendment of the Thaba Chweu Local Municipality Land Use Scheme 2018 by the rezoning of Portion 2 of Erf 114 Lydenburg from RESIDENTIAL 1 to BUSINESS 1 (for the purposes of conducting offices on the premises). The property is situated at 61 Voortrekker street, Lydenburg. Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with your full contact details, shall be lodged with, or made in writing to: The Manager: Town Planning, Thaba Chweu Municipality, PO Box 61, LYDENBURG 1120 from 21 May until 21 June 2021. (30 days). Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices (Town planning section) as set out below, for a period of 30 days from the date of first publication of this notice in the Provincial Gazette and/or local newspaper(s). Address of Municipal offices: Manager: Town Planning, 1st floor, Civic centre, corner Central & Viljoen Streets, Mashishing. Closing date for any objections and/or comments: 21 June 2021. Address of applicant / agent: DEVELOPLAN, 3 General Joubert street, Polokwane, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za Fax: 0862183267. Telephone: 015-2914177.

21-28

**PLAASLIKE OWERHEID KENNISGEWING 50 VAN 2021**

KENNISGEWING VAN HERSONERINGSAAANSOEK INGEVOLGE ARTIKEL 66 VAN DIE THABA CHWEU BEPLANNING- EN GRONDGEBRUIKBESTUURSBYWET, 2016 - WYSIGINGSKEMA 22/2018

Ek, Theo Ernst Kotze, as die agent van die eienaar van ondergemelde eiendom, gee hiermee kennis dat ek aansoek gedoen het vir die wysiging van die Thaba Chweu Grondgebruikskema 2018 deur die hersonering van Gedeelte 2 van Erf 114 Lydenburg vanaf RESIDENSIEEL 1 na BESIGHEID 1 vir die doel om kantore te kan bedryf op die perseel. Die eiendom is gelee in 61 Voortrekkerstraat, Lydenburg. Enige besware en/of kommentare, tesame met die gronde vir die besware en/of kommentare, tesame met u volledige kontakbesonderhede, moet ingedien word by: Die Bestuurder: Stadsbeplanning, Posbus 61, Lydenburg 1120 vanaf 21 Mei 2021 tot en met 21 Junie 2021. Neem kennis: Indien u versuim om u kontakinligting te verskaf sal die stadsraad nie na u toe kan reageer nie. Besonderhede van voormelde aansoek lê ter insae gedurende gewone kantoorure by die Munisipale kantore (Stadsbeplanningsafdeling) soos hieronder aangetoon vir 'n tydperk van 30 dae vanaf die eerste datum van publikasie van hierdie kennisgewing in die plaaslike koerantmedia en/of Provinsiale Gazette. Adres van munisipale kantore: Bestuurder: Stadsbeplanning, 1ste vloer, Burgersentrum, Hoek van Central & Viljoen Strate, Mashishing. Sluitingsdatum vir die indiening van besware en/of kommentare: 21 Junie 2021. Adres van applicant / agent: DEVELOPLAN, 3 Generaal Joubertstraat, Polokwane, Posbus 1883, Polokwane, 0700. Faks: 086 218 3267. Epos: tecoplan@mweb.co.za Faks: 0862183267. Telefoonnommer: 015-2914177.

21-28

**LOCAL AUTHORITY NOTICE 51 OF 2021****PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004), hereinafter referred to as the "Act", that the supplementary roll for the financial years 1 July 2019 to 30 June 2024 is open for public inspection, from **19 April 2021 to 30 June 2021**. In addition the supplementary roll is available at **website** [www. www.mkhondo.gov.za](http://www.mkhondo.gov.za)

An invitation is hereby made in terms of section 49(1)(a)(ii) read together with section 78(2) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the supplementary roll within the abovementioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the supplementary roll as such. The required forms for the lodging of an objection to an individual property are available on the Municipal Website: [www.mkhondo.gov.za](http://www.mkhondo.gov.za) or any of the municipal offices listed below.

The completed objection forms must be returned by EMAIL to [Marie@valuersafrika.co.za](mailto:Marie@valuersafrika.co.za) and [Lorraine.nyawo@gmail.com](mailto:Lorraine.nyawo@gmail.com) Or returned by hand to any of the listed municipal offices below

Physical Address: Cnr Market & De Wet Street, eMkhondo (Finance Department)	Physical Address: Saul Mkhizeville, Driefontein	Physical Address: Cnr President & Voortrekker Stree Amsterdam (Finance Department)
Postal Address: Po Box 23 eMkhondo 2380	Postal Address: Po Box 23 eMkhondo 2380	Postal Address: Po Box 23 eMkhondo 2380

NO LATE OBJECTIONS WILL BE ACCEPTED.

**CLOSING DATE FOR OBJECTIONS IS 12:00 ON 30 JUNE 2021.**

For further enquiries please contact



017 285 0215 or 017 285 0224

M KUNENE  
MUNICIPAL MANAGER

## LOCAL AUTHORITY NOTICE 52 OF 2021



## **EMALAHLENI LOCAL MUNICIPALITY BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES**

The Council of Emalahleni Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby publishes the By-laws relating to Public Nuisance:

Date Approved by Council: 26 November 2020

Council Resolution: A225/20

**TABLE OF CONTENTS:**

- 1. Definitions**
- 2. Objects of the By-Law**
- 3. Scope and limitations in the applications of these By-Laws**
- 4. Principles**
- 5. General Duty of Care**
- 6. General prohibition and nuisance behaviour**
- 7. Vegetation**
- 8. Animals**
- 9. Excavation in public places**
- 10. Weed-killers, herbicides, poisons or pesticides**
- 11. Municipal Property**
- 12. Service delivery Arrangements**
- 13. Provisions on the powers and functions of the municipality**
- 14. Offences and penalties**
- 15. Appeals**
- 16. Short title and commencement**

## 1. Definitions:

In this by-law any word or expression to which a meaning has been assigned in the bylaw, unless the context otherwise indicates:

**“animal”** means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

**“authorised official”** means a person authorized as such by the Council for the purposes of these By-laws to perform, exercise and implement any or all of the functions specified therein, including but not limited to:

- (a) peace officers and EMIs as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1997); and
- (b) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorized by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer or an EMI;

**“bird”** means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

**“construction”** means any building work or demolition and any activity ancillary to such building work or demolition;

**“environment”** means the surrounding within which humans exist and that are made of:

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing and influence human health and well-being.

**“executive director: Environmental and Waste Management”** means the person appointed as Executive Director by the Council or any person lawfully acting in that capacity;

**“motor-vehicle”** means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on any road of one or more persons or any material, item, substance or object, and includes a trailer, motor bike, quad bike or earth-moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some defect or disability;

**“municipal council” or council** means the Emalahleni municipal council, a municipal council referred to in section 157(1) of the Constitution;

**“municipal manager”** means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 (Act No. 32 of 2000) as the head of the administration of the municipal council;

**“municipal property”** means any structure or thing owned or managed by or on behalf of the Council;

**“nuisance”** means any conduct or behaviour by any person or the use, keeping, producing, by-producing, harbouring or conveying, as the case maybe, of any item, substance, matter, material, equipment, tool, vegetation or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights to all or of any person;

**“owner”**

- (a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;
- (b) in relation to a public nuisance as contemplated in Part 1 of this by-law:
  - (i) the person or persons in whom from time to time shall be vested the legal title to any immovable property.

**“overnight”** means the period from 20h00 in the evening to 06h00 in the morning;

**“person”** means a natural or juristic person and includes an organ of state;

**“pet”** means a tame animal which is kept in a household for companionship or amusement;

**“poultry”** means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock or peahen or bird whether domesticated or wild;

**“public nuisance”** means any act, omission or condition on any premises, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of the public;

**“public space”** includes any square, park, any area or centre, whether incorporating a community hall or not, at which group facilities of a sporting, cultural or recreational nature can be pursued, garden, enclosed or open space within the area of jurisdiction vested in the Council and includes any open or enclosed space vested in the Council to which the public has the right to access, public road and lane, foot pavement, overhead bridge, footpath, sidewalk, and any other municipal property;

**“street”** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**“structure”** means any container, stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter, business purposes or the keeping or enclosing of animals.

**“waste”** means any substance, whether or not that substance can be reduced, reused, recycled and recovered-

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purpose of production;
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sector, but:
  - (i) a by-product is not considered waste; and
  - (ii) any portion of waste, once reused, recycled and recovered, ceases to be waste;

## **2. Objects of the By-law:**

The objects of this By-law are:

- (1) To provide measures to regulate and control conduct or behaviour which causes or is likely to cause discomfort, annoyance or inconvenience to the public or users of any public space, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, that it is minimized and managed; and
- (2) To provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate public nuisances.

## **3. Scope and limitations in the application of these by-laws:**

- (1) These by-laws shall be read with any relevant and applicable provisions of the Provincial and National legislation including the Constitution of the RSA, Act 108 of 1996 and shall not override any of these legislation;
- (2) These By-law shall apply to all areas which fall under the jurisdiction of the Emalahleni Local municipality and is binding on all persons to the extent applicable; and
- (3) In the event of any conflict with any other municipal by-law which directly or indirectly, regulates the control of nuisances, the provisions of this by-law shall prevail to the extent of the inconsistency.

## **4. Principles:**

- (1) The municipality has the responsibility to ensure that all activities which may create public nuisances within the municipal area are regulated in a manner that takes into account the rights of all citizens of Emalahleni Local Municipality; and
- (2) Any person exercising powers in accordance with these by-laws must at all times seek to promote rights of all citizens of Emalahleni Local Municipality.

## **5. General Duty of Care:**

- (1) Every person has a duty to ensure that his or her actions or behaviour does not cause any harm to human health or damage to the environment;
- (2) Any person subjected to the duty imposed in subsection 5.1 may be required by the municipality or an authorised official to take measures to ensure compliance with the duty;

- (3) The measures referred to in subsection (1) that a person may be required to undertake include:
- (a) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment and human health;
  - (b) eliminating or mitigating any source of damage to the environment and human health; or
  - (f) rehabilitating the effects of the damage to the environment.

**6. General prohibition and nuisance behaviour:**

- (1) Notwithstanding the provisions of any other law no person shall:
- (a) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person. Should the municipality be of the opinion that this provision is being ignored, the municipality may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;
  - (b) carry on any trade, business, profession or hobby on any premises in the municipal area which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to other people;
  - (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
  - (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
  - (e) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
  - (f) use or cause or permit to be used any stoep and/or veranda of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
  - (g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
  - (h) enclose or cause or permit the enclosing of any stoep or veranda of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the municipality may approve;
  - (i) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment;
  - (j) be foul, misuse or damage a toilet provided in a public building or public place;
  - (k) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless



- such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (l) accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion of the municipality is waste material or likely to constitute an obstruction in any street, public place or built-up or vacant premises or land. Where such action takes place with the consent of the municipality and any conditions of approval are ignored or complaints are received from the general public, the municipality may take action in terms of sub-section 6 (2) (a);
  - (m) allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;
  - (n) by an action directly or indirectly or by negligence allow that a nuisance be created or continued;
  - (o) urinate or defecate, except in a facility provided for such purpose;
  - (p) perform sexual act in a public place;
  - (q) start or keep a fire unless for the purpose of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
  - (r) lie or sleep on any bench, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;
  - (s) beg for money or goods whether by gesture, words or otherwise;
  - (t) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose;
  - (u) at any time during the day or night disturb the public peace in any public or private place or premises or a street by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
  - (v) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
  - (w) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises in such a manner that it creates a public nuisance and materially interfere with the ordinary comfort, convenience, peace or quiet of other people;
  - (x) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the public peace;
  - (y) cleanse or wash any vehicle or part in any street or public place; and
  - (z) discharge any fire-arm, fireworks, airgun or air pistol on any premises except premises zoned for the purpose.

- (2) In the event of a contravention of section 1(a) to (z):
- (a) the municipality may issue a notice on the owner or occupier or the alleged offender to terminate the action or to remove the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith shall be recoverable from the person responsible for the nuisance or the owner or occupier or the premises on which the nuisance originates or is being continued, whether or not such owner or occupier is responsible therefore;
  - (b) Where a person complies with a notice issued in terms of subsection (a), the municipality may require such person to apply for a certificate of compliance which will be issued by the municipality once the nuisance has been removed or the action creating a nuisance has been terminated; and
  - (c) Where the municipality has evidence that any vacant or developed premises or land in the vicinity of a street is being used for any purposes by unauthorised persons or that any of the materials or things mentioned in section 1(l) are being dumped or deposited on such premises, it may serve notice in writing on the owner or occupier thereof requiring him to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence shall be not less than two metres in height and shall be of such a nature and so constructed that it will effectively prevent the entry of unauthorised persons and the dumping or depositing thereon of materials and things.
- (3) For the application of this by-law, any action or condition on any premises, including any building, structure or vegetation thereon, which in the opinion of the municipality endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance;
- (4) For the application of this by-law, any action or condition on any premises, including any building, structure or vegetation thereon, which in the opinion of the municipality endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance; and
- (5) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given there under shall be guilty of an offence.

## **7. Vegetation:**

- (1) No person may allow any tree or other growth on any premises under his or her control to interfere with any public service infrastructure, communal services infrastructure, or to become a source of annoyance, danger, inconvenience or discomfort to persons using a public road;
- (2) the Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such a notice;
- (3) If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person; and
- (4) No person other than a duly authorized official of the Municipality may plant, mark, cut, remove or damage a tree or shrub in a public place or, except with the written permission of the Municipality.

**8. Animals:**

- (1) No person, including animal breeders, pet shops, pet parlours shall keep or permit to be kept on any premises or property any animals, excluding pets as defined, without the written permission issued by the municipality in consultation with the Nkangala District Municipality;
- (2) For the purpose of managing the keeping of animals on premises, the municipality may determine the number as well as the kind and sex of animals that may be kept and the areas within which the keeping of such animals shall be prohibited;
- (3) In order to consider an application in terms of sub-section (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises before permission is granted or refused;
- (4) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right of appeal;
- (5) Where consent is granted, the municipality may impose conditions and restrictions as the municipality, in consultation with another responsible authority, may deem fit to impose;
- (6) Whenever animals kept on any premises, whether or not such premises have been approved by the municipality under this by-law, are a public nuisance, the municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance and to carry out such work or take such steps necessary for the said purpose;
- (7) No person may permit an animal owned or kept by him or her to be in a street or public place without supervision or permit such animal to behave in any other manner that interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours or permit such animal to be a source of danger or injury to any other person including employees of the municipality entering upon such premises for the purpose of carrying out their duties;
- (8) The municipality may:
  - (a) order the destruction of an animal which is dangerous or ferocious; injured or diseased to such an extent that it would be humane to do so; and
  - (b) seize and impound at a place designated by the municipality, an animal which is found in a street or public place in contravention with the provisions of sub-section (7).
- (9) An animal impounded in terms of sub-section (8) may be released to the owner of such animal upon payment of a fee determined by the municipality;
- (10) An animal impounded in terms of sub-section (8) may be sold or destroyed after having been kept in custody for seven days;
- (11) Animals destroyed in terms of sub-section (10) must be destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible;
- (12) No person may hawk an animal in a street or public place; or in or from a movable structure or vehicle; and
- (13) A person who contravenes any provisions of this section commits an offence.

**9. Excavation in public places:**

- (1) No person may make or cause to be made an excavation, a pit, trench or hole in a public place except with the written permission off the Municipality and/or otherwise than in accordance with the requirements prescribed by the Municipality or authorized in terms of the applicable By-laws of the Municipality or any other law; and

- (2) The provisions of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place: provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the public place concerned.

**10. Weed-killers, herbicides, poisons or pesticides:**

- (1) No person other than an authorized official or an authorized person who administers legally approved weed-killers, herbicides, poisons or pesticides may set or cast such substances in any public place without prior permission obtained from the municipality.

**11. Municipal property:**

- (1) No person, unless authorized by the Municipality or in terms of any other law, may within a public place:
  - (a) deface, damage, destroy or remove any property of part thereof which is affixed, placed or erected in or on a public place;
  - (b) paint or draw graffiti or other form of art or hobby on any property which forms part of a public place;
  - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
  - (d) affix or place on any municipal property, or distribute, any printed matter; or
  - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of subsection (1) do not apply to any person who is employed or authorized by the Municipality for the purposes of fixing, repairing, demolishing, renovating or providing any such services for or on behalf of the Municipality.

**12. Service Delivery Arrangements:**

In an effort to achieve optimal service delivery in terms of this by-law, the municipality may enter into agreements with the district municipality with which legislative and executive powers is shared, in respect of the following:

- (a) the practical arrangements with regard to the execution of the provisions of this by-law;
- (b) the imposition and enforcement of conditions with regard to any application in terms of this by-law, in so far as such conditions pertain to the functions and powers performed by the district municipality;
- (c) the recovery of costs and expenses related to any action in terms of this by-law;
- (d) subject to the provisions of section 86 of the Municipal Structures Act, mechanisms for the settlement of disputes with regard to execution of powers or functions in terms of this by-law or the matters on which have been agreed; and
- (e) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this by-law.

**13. Provisions on the powers and functions of the municipality:**

- (1) The Municipality may, by appropriate signage, restrict access to any part of a public place for a specified period of time to protect any aspect of the environment within a public place; improve the administration of a public place and/or undertake

- any activity which the Municipality reasonably considers necessary or appropriate to achieve the purposes of this By-law;
- (2) The municipal manager may delegate an employee or employees within the municipal administration as an authorized official to exercise the powers and functions that fulfils the objective of this by-law;
  - (3) An authorized official may, in respect of premises, at all reasonable times enter any land or premises on which a nuisance in terms of this By-law occurs or is alleged to occur or to have occurred and inspect or monitor the land or premises; question the owner, occupier or person in control of the land or premises; serve any compliance notice to the owner, occupier or person in control; take photos of any items used on the land or in the premises to cause a nuisance; and take samples or other evidence in respect of any nuisance caused;
  - (4) When entering a premises in terms of sub-section (3), the authorized employee must on request by any person, identify him-/herself by producing written proof of authorisation;
  - (5) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection;
  - (6) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this by-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence;
  - (7) A duly authorized official may, in respect of a nuisance caused or alleged to be caused in a public place, instruct a person to cease an act or conduct which causes such nuisance, with immediate effect;
  - (8) If it appears to the authorized official that it is not possible for the offending person to comply with his or her instructions forthwith, the enforcement officer must issue a compliance notice in the format prescribed by the Municipality, instructing the offending person to cease an act or conduct causing nuisance within a reasonable time period. In the event of non-compliance with such notice and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith shall be recoverable from the person responsible for the nuisance or the owner or occupier or the premises on which the nuisance originates or is being continued, whether or not such owner or occupier is responsible therefore;
  - (9) When issuing a compliance notice the authorized official must procure the signature of the offending person confirming receipt of a warning notice;
  - (10) The authorized official must inform the offending person that:
    - (a) a signature of the offending party in terms of subsection (3) does not on its own constitute an admission of guilt; and
    - (b) it is an offence in terms of this By-law to refuse to sign a compliance notice issued by an authorized official.

#### **14. Offences and penalties:**

- (1) A person commits an offence if he or she contravenes any provision of this By-law;
- (2) A person is guilty of a continuing offence if he or she continue with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence;

- (3) Any person who is convicted of an offence under this By-law is liable to a fine as reflected in the attached Annexure or to imprisonment for a period not exceeding 2 years, or both such fine and imprisonment; and
- (4) In the case of a continuing offence, an additional fine of an amount not exceeding R2000-00 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

**15. Appeals:**

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision;
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority;
- (3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period;
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision;
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters;
- (6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law; and
- (7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsection (1) to (5).

**16. Short title and commencement:**

These By-Laws shall be called the Emalahleni Local Municipality By-laws for the prevention of public nuisances and takes effect three months from the date of publication thereof in the Provincial Gazette or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

**EMALAHLENI LOCAL MUNICIPALITY**  
**By-Law on the prevention of public nuisances**  
**SCHEDULE OF OFFENCES AND FINES DETERMINED IN TERMS OF SECTION**  
**14 (3) OF THE DRAFT BY-LAW**

Section contravened	Description of offence	Proposed fine	Approved fine	Offence code
6 (1)	<b>Notwithstanding the provisions of any other law no person shall:</b>			
6 (1) (a)	Do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person;	R1500		EMC 0001
6 (1) (b)	Carry on any trade or business, profession or hobby on any premises which may be a source or become a source of discomfort or annoyance to other people;	R500		EMC 0002
6 (1) (c)	deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;	R500		EMC 0003
6 (1) (d)	allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;	R500		EMC 0004
6 (1) (e)	allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;	R2 000		EMC 0005
6 (1) (f)	use or cause or permit to be used any stoop and/or veranda of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;	R1 500		EMC 0006
6 (1) (g)	use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;	R1 500		EMC 0007
6 (1) (h)	enclose or cause or permit the enclosing of any stoop or veranda of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the municipality may approve;	R1 000		EMC 0008
6 (1) (i)	cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment;	R1 000		EMC 0009



Section contravened	Description of offence	Proposed fine	Approved fine	Offence code
6 (1) (j)	be foul, misuse or damage a toilet provided in a public building or public place;	R1 500		EMC 0010
6 (1) (k)	carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;	R1 500		EMC 0011
6 (1) (l)	accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion of the municipality is waste material or likely to constitute an obstruction in any street, public place or built-up or vacant premises or land. Where such action takes place with the consent of the municipality and any conditions of approval are ignored or complaints are received from the general public, the municipality may take action in terms of sub-section 6 (2) (a);	R1 000		EMC 0012
6 (1) (m)	allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;	R2 000		EMC 0013
6 (1) (n)	by an action directly or indirectly or by negligence allow that a nuisance be created or continued;	R1 000		EMC 0014
6 (1) (o)	urinate or defecate, except in a facility provided for such purpose;	R1 500		EMC 0015
6 (1) (p)	perform sexual act in a public place;	R1 500		EMC 0016
6 (1) (q)	start or keep a fire unless for the purpose of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;	R500		EMC 0017
6 (1) (r)	lie or sleep on any bench, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;	R500		EMC 0018
6 (1) (s)	beg for money or goods whether by gesture, words or otherwise	R500		EMC 0019
6 (1) (t)	bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose;	R500		EMC 0020
6 (1) (u)	at any time during the day or night disturb the public peace in any public or private place or premises or a street by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;	R500		EMC 0021



Section contravened	Description of offence	Proposed fine	Approved fine	Offence code
6 (1) (v)	advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;	R500		EMC 0022
6 (1) (w)	in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises in such a manner that it creates a public nuisance and materially interfere with the ordinary comfort, convenience, peace or quiet of other people;	R1 000		EMC 0023
6 (1) (x)	in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the public peace;	R500		EMC 0024
6 (1) (y)	cleanse or wash any vehicle or part in any street or public place;	R500		EMC 0025
6 (1) (z)	discharge any fire-arm, fireworks, airgun or air pistol on any premises except premises zoned for the purpose;	R500		EMC 0026
7 (1)	No person may allow any tree or other growth on any premises under his or her control to interfere with any public service infrastructure, communal services infrastructure, or to become a source of annoyance, danger, inconvenience or discomfort to persons using a public road;	R1 000		EMC 0027
7 (4)	No person other than a duly authorized official of the Municipality may plant, mark, cut, remove or damage a tree or shrub in a public place or, except with the written permission of the Municipality;	R1 000		EMC 0028
8 (1)	No person, including animal breeders, pet shops, and pet parlours shall keep or permit to be kept on any premises or property any animals, excluding pets as defined, without the written permission issued by the municipality in consultation with the Nkangala District Municipality.	R1 000		EMC 0029
8 (7)	No person may permit an animal owned or kept by him or her to be in a street or public place without supervision or permit such animal to behave in any other manner that interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours or permit such animal to be a source of danger or injury to any other person including employees of the municipality entering upon such premises for the purpose of carrying out their duties.	R500		EMC 0030
8 (12)	No person may hawk an animal in a street or public place; or in or from a movable structure or vehicle.	R1 000		EMC 0031

Section contravened	Description of offence	Proposed fine	Approved fine	Offence code
9 (1)	No person may make or cause to be made an excavation, a pit, trench or hole in a public place except with the written permission off the Municipality and/or otherwise than in accordance with the requirements prescribed by the Municipality or authorized in terms of the applicable By-laws of the Municipality or any other law.	R2 000		EMC 0032
10 (1)	No person other than an authorized official or an authorized person who administers legally approved weed-killers, herbicides, poisons or pesticides may set or cast such substances in any public place without prior permission obtained from the municipality.	R2 000		EMC 0033
11 (1)	No person, unless authorized by the Municipality or in terms of any other law, may within a public place- (a) deface, damage, destroy or remove any property of part thereof which is affixed, placed or erected in or on a public place; (b) paint or draw graffiti or other form of art or hobby on any property which forms part of a public place; (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage; (d) affix or place on any municipal property, or distribute, any printed matter; or (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations;	R500		EMC 0034
13 (6)	Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this by-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.	R1 000		EMC 0035

**LOCAL AUTHORITY NOTICE 53 OF 2021****THEMBISILE HANI LOCAL MUNICIPALITY****TARIFF BY-LAWS**

Notice is hereby given in terms of Section 13 of the local Government: municipal Systems Act, 32 of 2000, as amended, read with section 156 and 162 of the Constitutional of the republic of South Africa Act, 108 of 1996 as the Thembisile Hani Local Municipality resolves to adopt the following Tariff By-laws with effect from date of publication.

**TABLE OF CONTENTS**

1. Definitions
2. Purpose
3. Cost of Services to be Recovered
4. Funded Municipal Servicers
5. Indigent Households
6. Electricity Services
7. Water Services
8. Sanitation services
9. Refuse removal
10. Property rates
11. Other services
12. Users
13. Geographical areas
14. Budget
15. Accumulation
16. Municipal Finance Management
17. Penalty
18. Short Title
19. Commencement Date

## 1. DEFINITIONS

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

“bulk electricity user”	means a bulk user whose electricity demand excess or is likely to exceed 55 kVa per month;
“bulk user”	means a user of electricity, water, sewerage or refuse removal services for commercial or industrial purposes;
“cost to be recovered”	Means the cost reasonably associated with the rendering of a municipal service including the cost of purchasing or acquisition the cost of processing, treatment or adoption of the product or service to be delivered or supplied, capital cost, operation cost, maintenance cost and support systems cost and interest.
“Council”	Means the Local Government Municipal Structure Act, Act 117 of 1998.
“Domestic user”	means a user of electricity, water sewerage or refuse removal for residential purposes only.
“Municipal Finance Management Act”	means the Local Government Municipal Finance Management Act, 2003 (Act 6 of 2004)
“Municipal Property Rates Act”	means the Local Government Property Rates Act (Act 6 of 2000)
“Municipal Systems Act”	means the Local Government: Municipal systems Act, 2003 (act 32 of 2000) as amended.

“Off-Peak supply”	means an electricity supply on written request to a bulk user.
“Indigent household”	means a domestic user who qualifies together with his or her dependants, as an indigent person in terms of the Council’s indigent policy;
“Subsidized tariff”	means a tariff that cover only operating and maintenance cost in relation to a municipal service
“Tariff Policy”	Means the Tariff Policy of the council adopted in terms of section 74(1) of the Municipal Systems Act;
“Temporal user”	means a user of electricity, water, sewerage or refuses removal services for temporary period for specific project or occasion.
“User”	means a person liable o the Council for the cost to be recovered for a municipal services payable by such user;

- (2) In these by-laws a reference to the singular will include the plural and vice versa.
- (3) Any word or phrase in these by-laws, unless defined in subsection (1) above, shall bear the meaning of such word or phrase in the Municipal Systems Act.

## 2. PURPOSE

The purpose of this by-law is to provide Thembisile Hani Local Municipality with a set of guidelines and/or framework for the setting of all municipal tariffs, these tariffs are levied on users of Municipal services in order to recover all or a portion of costs associated with the provision of such services.

### **3. COST OF SERVICES TO BE RECOVERED**

- (1) The Council must annually adopt a budget which will provide for the cost to be recovered for municipal service rendered to a user.
- (2) The cost to be recovered meant I subsection (1) may include a surcharge to subsidize the provision of municipal services to indigent households meant in Section 6 and to give effect to development of a municipal service in terms of the Council's integrated development plan.
- (3) The Council may having had regards to the reasonable cost to be recovered associated with a municipal service, allow for subsidization of one municipal service by a higher tariff levied on another for the purpose of economical, efficient and effective use of resources in a sustainable manner.
- (4) The Council may levy a surcharge on a municipal service to encourage environmentally safe and sustainable use of such municipal service

### **4. FUNDED MUNICIPAL SERVICES**

- (1) The Council must, when determining the tariff for a Municipal service, take into consideration any intergovernmental grant or subsidy allocated or to be allocated in relation to such Municipal service.
- (2) The Council may, when determining the tariff for Municipal open for the use of the general public, subsidize such tariff from other income derived from the Council.

### **5. INDIGENT HOUSEHOLDS**

- (1) The Council will annually in its annual budget, adopt an indigent policy to determine criteria for the determination of indigent households.
- (2) The criteria referred to subsection (1) will take into account:
  - (a) The total income of consumers of Municipal services residing on the property to which Municipal services are rendered.
  - (b) The total expenditure of consumers of Municipal Services residing on the property; and
  - (c) A minimum income less expenditure to qualify as a indigent household;
- (3) The Council may include in its indigent policy a sliding scale according to which the quantity of basic Municipal services provided free of charge or at a subsidised tariff to an indigent household is limited in relation to the income less

expenditures of an indigent household.

- (4) A user will qualify for the benefits of indigent household with Council in terms of its indigent policy only if such user has applied to be registered as an indigent household and comfortable with the maximum electricity current of 20 Amperes.
- (5) Any person who knowingly supplies false information to the Council required in terms of Subsection (4) will be guilty of an offence.

## **6. ELECTRICITY SERVICES**

- 1. The Council may provide not more than 50kw/h electricity units at a current limited supply restricted in terms of the Indigent Support Policy, free per month or determined subsidized tariff to indigent households in terms of the Indigent Policy of Council, subject thereto that any free electricity unit not used during such month will accumulate month-to-month.
- 2. The Council may determine electricity tariffs in regard to the following:
  - a) a basic monthly electricity charge to be levied on a property where such property is connected to the council's electricity network
  - b) An electricity availability charge to be levied on a property not connected to Council's electricity network, but which property can be so connected to the council's electrical reticulation network at a appoint on the property or less than 50 meters from any boundary of such property:
  - c) The consumption of electricity
  - d) The testing of electricity
  - e) Taking electrical meter reading at the special request of a user
  - f) The connecting of a property to the Council's electrical reticulation network
  - g) Reconnection for non-payment and consumer change after hours
  - h) Call out fees for after-hours call outs
  - i) Fees payable for testing on installations and for changing of tariff circuit breakers; and
  - j) Tempering charges.
- 7. The Council may, when determining its electricity tariff, differentiate between: -
  - a) Users in the following categories:
    - i. Domestic users.



- ii. Bulk users.
- iii. Bulk electricity users.
- iv. Bulk electricity users of off-peak supply; and
- v. Temporary users
- b) The standard of electricity supply network available to a user.
- c) The geographical area and terrain in which an electricity supply is made available
- d) The electricity current demand of categorized of uses as differentiated between users of the single and three phase supply.
- 8. The Council may when determining its electricity tariff take into consideration any business or industrial incentive scheme adopted by the Council.
- 9. A user of off-peak supply will be charged at the normal bulk electricity user tariff according to standard peak and off-peak for KWh and KVA.

## **7. WATER SERVICES**

1. The Council will provide 6 kiloliters of potable water per month free of charge to domestic users per household, subject thereto that such quantity thereof not used will not accumulate month-to-month.
2. The Council will, inclusive of the 6 kiloliters of potable water per month free of charge meant in subsection (1), provide 6 kiloliters of potable water per month free of charge to indigent household, subject thereto that: -
  - (a) Such quantity thereof not used will accumulate month-to-month
  - (b) such indigent household is restricted to use of not more than 6 kiloliters of water supply per month, and
  - (c) Should such restriction of 15 kiloliters per month be exceeded repeatedly for three consecutive months or more, the Council may install a restricting device with a maximum water supply quantity of 15 kiloliters over 30 days.
3. The Council may determine water services tariffs in regard to the following:
  - (a) A basic monthly water service charge to be levied on a property where such property is connected to the Council's water reticulation network
  - (b) A water service availability charge to be levied on a property not connected to the Council's water reticulation network, but which property can be so connected to the Council's water reticulation network at a point on the property or less than 50 meters from any boundary of such

property.

- (c) The consumption of potable or raw water.
  - (d) The testing of water supply meters.
  - (e) The taking of a water meter reading at the special request of a users, and
  - (f) The connection of a property to the Council's water reticulation network.
4. The Council may, when determining its water services tariffs, differentiate between:
- (a) Domestic users.
  - (b) Bulk users of potable water.
  - (c) Bulk users of raw water.
  - (d) Other users of raw water, and
  - (e) Temporary users.
  - (f) The standard of the water supply network available to a user.
5. The geographical area, terrain and manner in which a water supply is made available.
6. The Council may, when determining its water services tariffs, take into consideration any business or industrial incentive scheme adopted by Council
7. The Council may, when determining its water services tariffs, differentiate between categories of users according to the volume of water supply and may determine different scale of tariffs according to the volume of water supplied to such categories of users.

## **8. SANITATION SERVICES**

1. The Council may annually resolve in terms of its budget process, to grant a subsidized tariff for sanitation services to indigent households in terms of its indigent policy.
2. The Council may determine sanitation tariffs in regard to the following:
- (a) A basic monthly sanitation charge to be levied on a property where such property is connected to the Councils sanitation reticulation network.
  - (b) A sanitation reticulation availability charge to be levied on the property not connected to the Council's sanitation reticulation network, but which property can be so connected to the Council's sanitation reticulation network at a point on the property or less than 50 meters from any boundary of such property.

- (c) The covering or sealing or re-sealing opening in sanitation network connected to the Council's sanitation reticulation network.
  - (d) The removal of any blockages from a sanitation reticulation network connected to the Council's sanitation reticulation network.
  - (e) The alteration of any gully in a sanitation network connected to the Council's sanitation reticulation network.
  - (f) The connection or re-connection of any reticulation network to the Council's sanitation reticulation network.
3. In these by-laws the word sanitation shall have the same meaning as "sewerage" and shall include where applicable a sanitation system.
4. The Council may, when determining its sanitation services tariffs, differential between:
- (a) Domestic users.
  - (b) Domestic users differentiated according to the number of residential dwellings per erf and also by the size of the stand.
  - (c) Bulk users.
  - (d) Hospitals.
  - (e) Churches.
  - (f) Boarding houses.
  - (g) Hotels.
  - (h) Sports Clubs.
  - (i) Private institutions.
  - (j) Welfare institutions.
  - (k) Government institutions.
  - (l) Welfare institutions authorized as a fund-raising organization in terms of Section 4 of the Fund-Raising Act, 1978.
  - (m) High density housing.
  - (n) Temporary users.
  - (o) The standard of the reticulation supply service.
  - (p) The geographical area or terrain in which sanitation reticulation service is made available; and
  - (q) Schools.

## 9. REFUSE REMOVAL

1. The Council may, annually resolve in terms of its terms of its budget process to grant a subsidized tariff for refuse removal services to indigent households in terms of its indigent policy.
2. The Council may when determining its tariff for refuse removal services, differentiate between the following users.
  - (a) Domestic users.
  - (b) Domestic users differentiated according to the number of residential dwellings per erf.
  - (c) Bulk users.
  - (d) Hospitals.
  - (e) Churches.
  - (f) Boarding houses.
  - (g) Hotels.
  - (h) Sports Clubs.
  - (i) Private institutions.
  - (j) Welfare institutions.
  - (k) Government institutions.
  - (l) Welfare institutions authorized as a fund-raising organization in terms of Section 4 of the Fund Raising Act, 1978.
  - (m) High density housing.
  - (n) Temporary users.
  - (o) The standard of the reticulation supply service.
  - (p) The geographical area or terrain in which sanitation reticulation service is made available; and
  - (q) Schools.
3. The Council may further, when determining its tariffs for refuse removal services in regard to the categories in sub-section (2), differentiate between users on the following basis:
  - (a) Whether mass containers are used.
  - (b) The size of mass containers in use
  - (c) The number of removals required per week
  - (d) The compaction of refuse to Council standards
  - (e) The removal of medical waste or other requiring special treatment

- (f) The removal of garden refuse
- (g) The removal of building rubble
- (h) The removal of dead animal carcasses
- (i) The geographical area or terrain in which the refuse removal services is made available
- (j) The amount of refuse to be removed at any collection point; and
- (k) The requirement for the use of a special loading, transport or off-loading equipment or vehicles

## **10. PROPERTY RATES**

1. The Council will, subject to the stipulations of the Municipal Finance Management Act and Section 15 (1) read with Section 15 (2) of the Municipal Property Rates Act, annually in terms of its budget process, grant: -
  - (a) A 36 percent rebate on property rates levied on developed residential property and
  - (b) An additional 20 percent rebate to owners of developed residential property dependent on pensions or social grants for their livelihood, which rebate will be calculated on the balance after deduction of the rebate mentioned in subsection (a) above, or
  - (c) a rebate of 100 percent on property rates levied on property occupied by a indigent household or property situated within a low income government housing scheme development as identified by the Council.

## **11. OTHER SERVICES**

1. Nothing in these by-laws shall prohibit the Council from determining tariffs on municipal services or part thereof or incidental thereto, not mentioned in these by-laws.
2. The Council must, when determining tariff for municipal services meant in subsection (1) have regards to the principles in Section 74(2) of the Municipal System Act.

## **12. USERS**

1. The Council may without derogating from any other categories of municipal services and users in these by-laws, when annually determining its tariff

structure, differentiate between the following categories of users according to the actual use of municipal services: -

- (a) Residential
- (b) Business
- (c) Industrial
- (d) Agricultural
- (e) Institutional
- (f) Rural
- (g) Municipal; and
- (h) Special uses in terms of the Council's Town Planning Scheme.
- (i) Governmental

### **13. GEOGRAPHICAL AREAS**

The Council may notwithstanding any categories of municipal service and users in these by-laws, when annually determining its tariff structure and any surcharged differentiate between different geographical areas having regard to the cost to be recovered for a municipal service rendered or to be rendered to a particular geographical area.

### **14. BUDGET**

1. The Council must, in its annual budget set out the value in money allocated to the rendering of free and subsidize electricity service, water service, and sanitation service and refuse removal service, per such service, and
2. The value in money of free subsidized municipal services meant in subsection (1) per household and the total predicted cost to Council thereof.

### **15. ACCUMULATION**

A free or subsidized municipal service is rendered on month-to-month basis and no credit will be allowed to accumulate for any part of such free of subsidized municipal service not used in any month.

**16. MUNICIPAL FINANCE MANAGEMENT ACT**

These by-laws will be read together with the Municipal Finance Management Act and any duty, obligation or regulation under the said Act will be complied with when giving effect to these by-laws.

**17. PENALTY**

Any person who contravenes any provision in these by-laws shall be guilty of an offence and upon conviction liable to a fine or imprisonment of not more than three months or both such fine and imprisonment.

**18. SHORT TITLE**

These by-laws will be known as the Themibisile Hani Local Municipality Tariff By-Laws 2021

**19. COMMENCEMENT DATE**

This by-law takes effect on the date of proclamation in the provincial gazette

**LOCAL AUTHORITY NOTICE 54 OF 2021  
THEMBISILE HANI LOCAL MUNICIPALITY  
PROPERTY RATES BY-LAW**

In terms of Section 13 of the Local Government: Municipal System Act No.32 of 2000 as amended; the Thembisile Hani Local Municipal ("the municipality") hereby published the Property Rates By-laws set forth hereinafter, which have been made by the Municipality in terms of Section 6 of the Local Government: Municipal Property Rates Act 6 of 2004.



## TABLE OF CONTENTS

1. Preamble
2. Definitions
3. The purpose of this By-law
4. Fundamental principles
5. Application of this By-law
6. Equitable treatment of ratepayers
7. Discretionary resolutions adopted by the Municipality with respect to levying of rates
8. Categories of properties for differential rating purposes
9. Relief measures for property owners
10. Multiple-purpose properties
11. Community participation
12. Recovery and payment of rates
13. Phasing in of the new market value
14. Special rating area
15. Review process
16. Short title
17. Implementation date

## 1. Preamble

### Whereas: -

- 1.1 It is enshrined in Section 229 of the Constitution (Act 108 Of 1996) that a municipality may impose rates on property within a regulatory framework.
- 1.2 The Municipal Property Rates Act, 2004 (Act no. 6 of 2004) (MPRA) provides the regulatory framework to which the municipality must comply with when imposing rates on the property, which includes but is not limited to: -
  - 1.2.1 The adoption of a rates policy will be implemented and made effective by way of a Rates By-law;
  - 1.2.2 Criteria for determination of categories of properties and deferential rates for each category of properties;
  - 1.2.3 Criteria to be applied for granting rates relief measures;
  - 1.2.4 Levying of rates in sectional title schemes;
  - 1.2.5 Appointment of a municipal valuer for preparation of a general valuation roll.
- 1.3 In terms of Section 4(1) (c) (ii) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with Section 2 of the said Local Government: Municipal Property Rates Act, the municipality has the right to finance the affairs of the municipality by imposing, *inter-alia*, rates on property. In terms of Section 4(2) of the Local Government: Municipal Systems Act, 2000 (32 of 2000), council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to: -
  - (a) Exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community;
  - (b) Provide, without favour or prejudice, democratic and accountable government;
  - (c) Encourage the involvement of the local community;
  - (d) Strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner;

- (e) Consult the local community about: -
    - (i) The level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider; and
    - (ii) The available options for service delivery;
  - (f) Give members of the local community equitable access to the municipal services to which they are entitled;
  - (g) Promote and undertake development in the municipality;
  - (h) Promote gender equity in the exercise of the municipality's executive and legislative authority;
  - (i) Promote a safe and healthy environment in the municipality;
  - (j) contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in Sections 24, 25, 26, 27 and 29 of the Constitution; and
- 1.4 Further, a municipality must in the exercise of its executive and legislative authority respect the rights of citizens and those of other persons protected by the Bill of Rights.
- 1.5 In terms of Section 62 of the Local Government: Municipal Finance Act, 2003 (Act 56 of 2003), the Municipal Manager must ensure that the municipality has and implements a rates policy embodied in a By-law as per Section 6 of the said Local Government: Municipal Property Rates Act.

## 2. Definitions

All words and phrases in this By-law shall have the same meaning and interpretation as assigned in terms of the said Municipal Property Rates Act and for this purpose lists hereunder the definitions used in the Act to be *mutatis mutandis* applied in this By-law.

Unless the context indicates otherwise: -

“**Act**” means the Local Government: Municipal Property Rates Act (Act 6 of 2004);

**“Child headed household”** means a household recognized as such in terms of Section 137 of the Children’s Amendment Act, 41 of 2007.

**“Actual use”** means actual activities that are taking place on the property.

**“Agent”** in relation to the owner of a property, means a person appointed by the owner of the property: -

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

**“Agricultural purposes”** in relation to the use of a property, excludes the use of a property for the purpose of ecotourism or for the trading in or hunting of game;

**“Annually”** means once every financial year;

**“Category”**: -

- (a) in relation to property, means a category of properties determined in terms of Section 8; and
- (b) in relation to owners of properties, means a category of owners determined in terms of Section 15(2) of the Act;

**“Community services”** means any services which the expenditure of rendering of such a service is financed from the revenue generated from property rates;

**“Date of valuation”** means 02 July 2008 as determined by the municipality council as per resolution in item c (8) paragraph (c);

**“Disabled people”** means a person who qualifies to receive relief in terms of the Social Services Act. 1992 (Act No. 59 of 1992) or has been certified as disabled by a medical practitioner;

**“Disaster”** means a disaster within the meaning of the Disaster Management Act (57 of 2002); or any other serious adverse social or economic condition;

**“Effective date”**: -

- (a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of Section 32(1); or
- (b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of Section 78(2) (b);

**“Exclusion”** in relation to a municipality’s rating power, means a restriction of that power as provided for in Section 17;

**“Exemption”** in relation to the payment of a rate, means an exemption granted by a municipality in terms of Section 15;

**“Financial year”** means the period starting from 1 July in each year to 30 June the following year;

**“Income Tax Act”** means the Income Tax Act, 1962 (Act No. 58 of 1962);

**“indigent household”** means an owner of property who is in permanent occupation of the property and qualifies for indigent relief in terms of the municipality’s indigent policy, shall include state pensioner, child-headed household, disabled people, household without income or with income that falls within a certain threshold and medical boarded people;

**“Land reform beneficiary”** in relation to a property, means a person who: -

- (a) acquired the property through: -
  - (i) The Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993);
  - or
  - (ii) The Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
- (b) Holds the property subject to the Communal Property Associations Act, 1996 (Act No. 28 of 1996); or
- (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to Section 25(6) and (7) of the Constitution be enacted after this Act has taken effect;

**“Land tenure right”** means an old order right or a new order right as defined in Section 1 of the Communal Land Rights Act, 2004;

**“Local community”** in relation to a municipality: -

- (a) means that body of persons comprising: -
  - (i) The residents of the municipality;
  - (ii) The ratepayers of the municipality;

- (iii) Any civic organizations and nongovernmental, private sector or labor organizations or bodies which are involved in local affairs within the municipality; and
  - (iv) Visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality; and
- (b) Includes, more specifically, the poor and other disadvantaged sections of such body of persons;

**“Local municipality:** means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in Section 155(1) of the Constitution as a category B municipality. Establish in terms of Section 12 of the Municipal Structures Act No. 117 of 1998;

**“Market value”** in relation to a property, means the value of the property determined in accordance with Section 46 of the Act;

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

**“Municipal Manager”** means a person appointed in terms of Section 82 of the Municipal Structures Act;

**“Newly ratable property”** means any ratable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding: -

- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the *Gazette* where the phasing in of a rate is not justified;

**“Non-profit organization”** means any organization which is registered in terms of the Non-profit Organizations Act;

**“Occupier”** in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property;

**“Organ of state”** means an organ of state as defined in Section 239 of the Constitution;

**“Owner”**: -

- (a) In relation to a property referred to in paragraph (a) of the definition of property, means a person in whose name ownership of the property is registered;
- (b) In relation to a right referred to in paragraph (b) of the definition of property, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of property, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of property, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases: -
  - (i) a trustee, in the case of a property in a trust excluding state trust land;
  - (ii) an executor or administrator, in the case of a property in a deceased estate;
  - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in 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 property in the estate of a person under curatorship;
  - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitudes; or

(vii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

(viii) a lessee in the case of property that is registered in the name of the municipality and is leased by it;

**“Permitted use”** in relation to a property, means the limited purposes for which the property may be used in terms of: -

a) Any restrictions imposed by: -

(i) a condition of title;

(ii) a provision of a town planning or land use scheme; or

b) Any legislation applicable to any specific property or properties; or

c) Any alleviation of any such restrictions;

**“Person”** means natural and legal person including an organ of state;

**“Prescribe”** means prescribe by regulation in terms of Section 83 of the Act;

**“Privately owned township”** means single properties, situated in an area not ordinary being serviced by the municipality, divided through sub-divisions or township establishment units (ten or more) full title stands and/ or Sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate or township;

**“Property”** means: -

a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;

c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

d) Public service infrastructure;

**“Property register”** means a register of properties referred to in Section 23;



**“Protected area”** means an area that is or has to be listed in the register referred to in Section 10 of the Protected Areas Act;

**“Protected Areas Act”** means the National Environmental Management: Protected Areas Act, 2003;

**“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) a municipality; or
- c) a municipal entity as defined in the Municipal Systems Act;

**“Public benefit organization property”** means property owned by public benefit organizations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act;

**“Public service infrastructure”** means publicly controlled infrastructure of the following kinds: -

- a) National, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- c) Power stations, power substations or power lines forming part of an electricity scheme serving the public;
- d) Gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- e) Railway lines forming part of a national railway system;
- f) Communication towers, masts, exchanges or lines forming part of a communication system serving the public;
- g) Runways or apron at national or provincial airports;
- h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or

similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;

- i) any other publicly controlled infrastructure as may be prescribed; or
- j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) and (i);

**“Rate”** means a municipal rate on property envisaged in Section 229(1) (a) of the Constitution;

**“ratable property”** means a property on which a municipality may in terms of Section 2 levy a rate, excluding property fully excluded from the levying of rates in terms of Section 17;

**“Rebate”** in relation to a rate payable on a property, means a discount granted in terms of Section 15 on the amount of the rate payable on the property;

**“reduction”** in relation to a rate payable on a property, means the lowering in terms of Section 15 of the amount for which the property was valued and the rating of that property at the lower amount;

**“Register”**: -

- a) Means to record in a register in terms of: -
  - (i) the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
  - (ii) the Mining Titles Registration Act, 1967 (Act No. 16 of 1967); and
- b) includes any other formal act in terms of any other legislation to record: -
  - (i) a right to use land for or in connection with mining purposes; or
  - (ii) a land tenure right;

**“Residential property”** means a property included in a valuation roll in terms of Section 48(2) (b) as residential;

**“Sectional Titles Act”**: The Sectional Titles Act, 1986 (Act No. 95 of 1986);

**“Sectional title scheme”**: a scheme defined in Section 1 of the Sectional Titles Act;

**“Smallholding”** means a property recorded in the Deeds Registry Database as being an Erf and zoned for Agricultural usage in terms of an adopted Town Planning Scheme;

**“Sectional title unit”**: a unit defined in Section 1 of the Sectional Titles Act;

**“Small, very small and micro business”** means businesses as per the criteria set by the National Small Business Act No. 102 of 1996 schedule;

**“Special rating area”** means a geographic area within which property owners agree to pay for certain services supplementary to those supplied by the municipality. These services are financed by levying an additional rate, which is added to the rate in a rand of the property owners within the precinct;

**“Specified public benefit activity”**: an activity listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act;

**“State trust land”** means land owned by the state: -

- a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- b) over which land tenure rights were registered or granted; or
- c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);

**“The Municipality”** means the Thembisile Hani Local Municipality;

**“Value of property”** means the market value of the property as valued in terms of the Act;

**“Vacant land”** means unimproved land, irrespective of the category of property or zoning in an urban or semi -urban areas.

### 3. The purpose of this By-law

The purpose of this By-law is to: -

- 3.1 comply with the provisions of the Municipal Property Rates Act, specifically with Section 3 and 6 thereof;
- 3.2 give effect to the principles outlined hereunder;
- 3.3 ensure the equitable treatment of persons liable for rates;
- 3.4 determine the methodology and to prescribe procedures for the implementation of the Act;

- 3.5 determine criteria to be applied for the levying of differential rates for different categories of properties;
- 3.6 determine or provide criteria for the determination of categories of properties and categories of owners of properties;
- 3.7 determine criteria to be applied for granting exemptions, rebates and reductions;
- 3.8 determine how the municipality's powers must be exercised in relation to multi- purpose properties;
- 3.9 determine measures to promote local economic and social development; and
- 3.10 identify which categories of properties the municipality has elected not to rate as provided for in Section 7 of the Act.

#### **4. Fundamental principles of this By-law**

The principles of the By-law are to ensure that: -

- 4.1 the power of the municipality to impose rates on property within its area will not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities or the national mobility of goods, services, capital or labour as prescribed in terms of Section 229 of the Constitution of the Republic of South Africa;
- 4.2 all ratepayers, in a specific category, as determined by council from time to time, will be treated equitably;
- 4.3 property rates will be assessed on the market value of all ratable properties in the jurisdiction of the municipality and for the purpose of generating revenue to balance the budget after taking into account: -
  - 4.3.1 Profits generated on trading and economic services; and
  - 4.3.2 The amounts required to finance exemptions, rebates and reductions of rates as approved by the municipal council from time to time;
- 4.4 Property rates will not be used to subsidize trading and economic services;
- 4.5 The rates income generated by the municipality will take into account relief measures to address the social and economic needs of the community;

- 4.6 This By-law and amendment thereof will be developed in consultation with the community and in compliance with a process of community participation in terms of Chapter 4 of the Municipal Systems Act.

## **5. Application of this By-law**

### **5.1 Imposition of rates**

5.1.1 The council shall as part of each annual operating budget cycle, impose a rate in the rand on the market value of all ratable property as recorded in the municipality's valuation roll and supplementary valuation roll. Ratable property shall include a property on which the municipality may in terms of Section 2 of the Act levy a rate, excluding property fully excluded from the levy of rates in terms of the Act.

5.1.2 The council pledges itself to limit the annual increase of the rate in the rand in accordance with the National Treasury guidelines and the approved integrated development priorities.

### **5.2 Classification of municipal services and expenditure**

5.2.1 The municipal manager or his/her nominee herewith provides the following classification of services which might be amended from time to time as per the guidelines provided by the National Treasury, other relevant authorities and/or the Municipal Council: -

#### **5.2.1.1 Trading services: -**

- (a) Water
- (b) Electricity

#### **5.2.1.2 Economic services: -**

- (a) Refuse removal
- (b) Sanitation

#### **5.2.1.3 Community services: -**

- (a) Air pollution
- (b) Firefighting services
- (c) Local tourism

- (d) Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned to them under the Constitution or any other law
- (e) Storm water management system in built-up areas
- (f) Trading regulations
- (g) Fixed billboards and the display of advertisements in public places
- (h) Cemeteries
- (i) Control of public nuisances
- (j) Township development
- (k) Facilities for accommodation, care and burial of animals
- (l) Fencing and fences
- (m) Licensing of dogs
- (n) Licensing and control of undertakings that sell food to the public
- (o) Local amenities
- (p) Local sport facilities
- (q) Municipal parks and recreation
- (r) Municipal roads
- (s) Noise pollution
- (t) Pounds
- (u) Street trading/street lighting
- (v) Traffic and parking
- (w) Building control
- (x) Licensing of motor vehicles and transport permits
- (y) Nature reserves

5.2.1.4 Subsidized services: -

- (a) Health and ambulance
- (b) Libraries and museums
- (c) Proclaimed roads

5.2.2 Trading and economic services must be ring fenced and financed from service charges while community and subsidized services will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5.2.3 Expenditure will be classified in the following categories: -

- (a) Salaries, wages and allowances
- (b) Bulk purchases
- (c) General expenditure
- (d) Repairs and maintenance
- (e) Capital charges (interest and redemption)/depreciation
- (f) Contribution to fixed assets
- (g) Contribution to funds: -
  - i. bad debts
  - ii. Working capital; and
  - iii. Statutory funds
- (h) Contribution to reserves.

5.2.4 Cost centres will be created to which the costs associated with providing the service can be allocated: -

- (a) By Department;
- (b) By Divisions; and
- (c) By Service.

5.2.5 The classification by subject of expenditure, each with a unique vote will be applied to all cost centres.

**6. Equitable treatment of ratepayers**

- 6.1 This municipality is committed to treating all ratepayers on an equitable basis. "Equitable" does not necessarily mean "equal" treatment of ratepayers. The circumstances of each category of owner or category of property will be considered in a fair manner and within the limitations set out in the Act.
- 6.2 Any differentiation in the levying of rates must not constitute unfair discrimination.

**7. Discretionary resolutions adopted by the Municipality with respect to levying of rates**

It is recorded that the Municipality has adopted the following resolutions: -

- 7.1 To levy rates on all ratable property in its area of jurisdiction;
- 7.2 To determine the date of implementation as being 01 July 2018;
- 7.3 To determine the date of general valuation as being 01 July 2018;
- 7.4 To levy different cents in the rand for different categories of ratable property;
- 7.5 That the categories of properties for the purpose of differential rating are those specified in this By-law document;
- 7.6 That the criteria for the categorization in terms of Section 8(1) of the Act shall be actual use where a property is improved and where the land is vacant, on permitted use;
- 7.7 In case of a property used for multiple-purposes the category shall be determined according to the dominant use of the property;
- 7.8 To rate public service infrastructure (excluding municipal public service infrastructure) that is identifiable and to which a market related value can be determined with the proviso that the municipality may extend this annually to include other identifiable entities as the data set is developed; and
- 7.9 To not rate properties of which the municipality is the owner, except where leased to a third party.



## **8. Categories of properties for differential rating purposes**

8.1 For the purposes of differential rates, the following categories of ratable property have been determined, being: -

### **8.1.1 Residential property**

Means improved property that: -

- (a) Is used predominantly for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes;
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes; and
- (c) Is owned by a share-block company and used solely for residential purposes.

### **8.1.2 Residential property with special consent**

Means improved property that is granted additional rights and consent use other than residential in terms of the Town Planning Scheme.

### **8.1.3 Business, commercial and industrial property**

Means improved property that is predominantly used for business, commercial and industrial purposes.

### **8.1.4 Agricultural property**

Means a property envisaged in Section 8(2)(d), (e) and (f) of the Act.

### **8.1.5 State or government property**

Means property owned and used by the state excluding the kinds of publicly controlled infrastructure listed in the definition of Public Service Infrastructure.

### **8.1.6 Public service infrastructure**

Means a property as defined by the Act.

### **8.1.7 Public benefit organization property.**

Means property owned by public benefit organizations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act

**8.1.8 Mining property**

Means property on which an operation or activity of extracting minerals is conducted and includes any operation or activity incidental thereto.

**8.1.9 Rural communal land**

Means the residual portion of a rural communal land excluding identifiable and ratable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

**8.1.10 State trust land**

Means land owned by the state: -

- (a) In trust for persons communally inhabiting the land in terms of a traditional system of a land tenure;
- (b) Over which land tenure rights were registered or granted; and
- (c) Which is earmarked for disposal in terms of the Restitution of Land Rights.

**8.1.11 Municipal property**

In relation to property shall mean those properties owned & exclusively used by the municipality;

**8.1.12 Places of public worship**

Means a property registered in the name of and used primarily as a place of worship by a religious community, including an official residence registered in the name of that community which is

occupied by an office bearer of that community who officiates at the services at that place of worship;

8.1.13 Protected area

Means an area that is, or has to be, listed in the register referred to in Section 10 of the Protected Areas Act.

8.1.14 Other property

Means any property determined by the Municipality which is not associated with any of the categories of property listed above.

8.1.15 Vacant land

Means unimproved land, irrespective of the category of property or zoning in urban or semi-urban areas.

8.2 Differential rating among the above determined categories of properties will be done by way of setting different rates in the rand for each property category.

8.3 The criteria for weighting the categories determined above, for the purpose of determining cent in a rand amount (rates tariff) for each category, must take account of the following: -

8.3.1 the reliance or otherwise of the owners of specific categories of property on services supplied by the Municipality;

8.3.2 the strategic importance of a category of property with reference to the aims and objectives of the municipality and the Government of the Republic of South Africa as a whole (such as social, economic and developmental issues); and

8.3.3 the nature of the category of property, including its sensitivity to rating (for example agricultural properties used for agricultural purposes).

8.4 The following principles and Section 8.3 above shall be applied for the determination of the cents in the rand: -

- 8.4.1 the activities that take place on business, commercial, industrial and government properties have been identified as the cost drivers for community services;
- 8.4.2 the rate ratio between residential and the properties mentioned in 8.3.1 above shall be 1:1.2 to business; and 1:0.25 to agricultural properties;
- 8.4.3 the rate ratio between residential and residential property with special consent shall be 1:1.5;
- 8.4.4 the rate ratio between residential and government property shall be 1:1.2;
- 8.4.5 the rate ratio between residential and properties categorized as other and mining shall be 1:1.4;
- 8.4.6 the rate ratio between residential and agricultural property shall be 1:0.25 as prescribed by the Act;
- 8.4.7 the rate ratio between residential and public service infrastructure property shall be 1:0.25 as prescribed by the Act;
- 8.4.8 the rate ratio between residential and public benefit organization property shall be 1:0.25 as prescribed by the Act; and
- 8.4.9 the rate ratio between residential and vacant land shall be 1:3 as prescribed by the Act.

## **9. Relief measures for property owners**

- 9.1 The Municipality has considered the need and desire to grant relief to a specific category of owners of properties and owners of a specific category of properties with a view to providing for appropriate measures to alleviate the impact of the rates burden on them.
- 9.2 The municipality will not grant relief in respect of the payment of rates other than by way of an exemption, rebate or reduction provided for in this By-law and granted in terms of Section 15 of the Act to: -
  - 9.2.1 a specified category of properties; or
  - 9.2.2 a specified category of owners of property as provided for hereunder.

9.3 The municipality will not grant relief to the owners of property on an individual basis.

9.4 The relief measures shall be granted as follows: -

9.4.1 Category of specific owners

**Part A: Rebates**

<b>(a) Indigent Household</b>	
<b>Criteria</b>	The owner should be registered in the indigent register in terms of the Indigent Policy of the municipality.
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on annual basis during the budget process.
<b>(b) Retired people</b>	
<b>Criteria</b>	<ul style="list-style-type: none"> <li>- Make application in writing in a prescribed form;</li> <li>- Own and permanently reside on the property;</li> <li>- Not own more than one property;</li> <li>- Be at least 60 years of age; and</li> </ul>
<b>Rebate</b>	A sliding scale rebate system on property rates account shall be determined by the municipal council on annual basis during the budget process.
<b>(c) Owner of Lodges</b>	
<b>Qualification criteria</b>	<ul style="list-style-type: none"> <li>- Make application in writing in a prescribed form;</li> <li>- Own and utilize the property solely for bed and breakfast, guest house and lodge;</li> <li>- Proof of business license issued by the municipality;</li> <li>- Proof of registration with the South African Grading Council; and</li> <li>- Be in a position to submit audited annual financial statements.</li> </ul>

<b>Rebate</b>	Additional rebates on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(d) Owners of small, very small and micro businesses</b>	
<b>Qualification criteria</b>	<ul style="list-style-type: none"> <li>- Make application in writing in a prescribed form;</li> <li>- Property owned and utilize by the owner;</li> <li>- Provide proof of registration with relevant authority;</li> <li>- Provide proof of business license, if applicable issued by the municipality;</li> <li>- The business shall meet all requirements (refer to sector, size or class, total employment, total annual turnover and total gross asset value (fixed property excluded) set out in terms of the National Small Business Act No. 102 of 1996 schedule; and</li> <li>- Be a position to submit audited annual financial statements</li> </ul>
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(e) Owner of Privately Developed Townships or Estates or Complexes</b>	
<b>Qualification criteria</b>	<ul style="list-style-type: none"> <li>- Make an application in writing in a prescribed form;</li> <li>- Provide Service Level Agreement entered into with the municipality;</li> <li>- The full cost of infrastructural development of the township should be incurred by the developer(s); and</li> <li>- The cost of rendering and maintaining of internal services should incurred by residents or the</li> </ul>

	developer.
<b>Rebate</b>	<ul style="list-style-type: none"> <li>- 100% rebate on property rates for a period when the property is under development not exceeding a period of twelve months;</li> <li>- A rebate on property rates account for owner of a property situated in unproclaimed area shall be determined by council on an annual basis during the budget process; and</li> <li>- A rebate on property rates account for owner of a property situated in proclaimed area where the municipality does not provide maintenance of the internal community services shall be determined by council on an annual basis during the budget process.</li> </ul>
<b>(f) Owner of formalized property within rural communal property</b>	
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(g) Owner of a smallholding property categorized as a residential property</b>	
<b>Qualification criteria</b>	The municipality should not be providing any of the community services
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(h) Properties Owned by Public Benefit Organizations, which includes;</b>	
<ul style="list-style-type: none"> <li>- <b><i>Health, welfare or charitable institutions</i></b> Properties used exclusively as a hospital, clinic, mental hospital, orphanage, non-profit retirement village, old age home or benevolent</li> </ul>	

<p>institution, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and or for charitable purposes by registered organizations.</p>	
<p>- <b><i>Educational institutions</i></b></p> <p>Properties used for educational purposes including a residence registered in the name of the educational institution and used by full-time employees of the educational institution.</p>	
<p>- <b><i>Youth development organizations</i></b></p> <p>Properties used by organizations such as the Boy Scouts, Girls Guides, or organizations the Council deem to be similar.</p>	
<b>Qualification criteria</b>	<ul style="list-style-type: none"> <li>- Make an application in writing in a prescribed form;</li> <li>- Provide proof of ownership of the property and registration as a Non-Profit Organization in terms of the Income Tax Act or registration as a Public Benefit Organization in terms of the Income Tax Act conducting one or more of the above specified public benefit activities listed in Part 1 of the 9<sup>th</sup> Schedule;</li> <li>- Submit an affidavit signed by the head of the organization before a Commissioner of Oaths that the property is used primarily for the specified public benefit activities and purposes of the organization;</li> <li>- that no private pecuniary profit is made from the property; and that no rent is received by the applicant for any use of the property by other persons; and</li> </ul>



	- Be in a position to submit audited annual financial statements.
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.

#### 9.4.2 Category of specific properties

##### Part A: Rebates

<b>(a) Agricultural Properties</b>	
<b>Qualification criteria</b>	<ul style="list-style-type: none"> <li>- Make an application in writing in a prescribed form;</li> <li>- Proof of registration as a <i>bona fide</i> farmer from South African Revenue Services or if not taxed as a farmer provide proof that income generated in excess of 40% is derived from farming activities;</li> <li>- The property must be predominately utilised for <i>bona fide</i> farming purposes;</li> <li>- The application should clearly motivate how the farm contributes in terms of:               <ul style="list-style-type: none"> <li>- local economy;</li> <li>- provision of permanent residence or decent accommodation to the farm workers and their dependants;</li> <li>- provision of portable water and electricity to the dwellings of farm workers; and</li> <li>- provision of land for cemetery or educational or recreational purposes to the farm workers, children as well as for people from surrounding farms.</li> </ul> </li> </ul>

<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on annual basis during the budget process.
<b>(b) State Trust and Rural Communal Property</b>	
<b>Rebate</b>	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(c) Affordability rebates - the rebate is unconditionally granted to assist the property owners to leverage the rates burden because of the current economic conditions.</b>	
- Business, Commercial and Industrial Property	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
- Government Property	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
- Mining Property	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
- Residential Property	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
- Other Property	The rebate on property rates shall be determined by the municipal council on an annual basis during the budget process.
<b>(d) Newly ratable properties</b>	50% phase-in rebate on property rates in terms of Section 21(2) of the Act; and 100% phase-in rebate on property rates in terms of Section 21(3) of the Act.
<b>(e) Public Benefit Organization with no source</b>	May be granted up to 100% rebates subject to an application and approval by the Chief Financial Officer; and application shall be done on a prescribe

<b>of income (Depending on Donations/ Grants)</b>	form obtainable from the Municipal Offices.
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### Part B - Exemptions

(a) Residential Property	<ul style="list-style-type: none"> <li>- The first <b>R50 000.00</b> of the market value of the property is exempted from levying of rates in terms of Section 17(1) (h) of the Act.</li> <li>- The additional exemption on the market value to be exempted from levying of rates shall be determined by the municipal council on annual basis during the budget process.</li> </ul>
(b) Public Services Infrastructure Property	- The first 30% of the market value of the property is exempted from levying of rates in terms of Section 17(1) (a) of the Act.
(c) Municipal Property	The property shall be 100% exempted from levying of rates
(d) Places of Worship, including an official residence registered in the name of the community	The property shall be 100% exempted from levying of rates.
(e) Other properties stated in terms of Section	The properties shall be 100% exempted from levying of rates

17(b), (c), (d), (e), (f) and (g) of the Act	
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### Part C: Reductions

<b>(a) Properties Affected by a Disaster or other Serious Adverse Social or Economic Conditions</b>	
Qualification criteria	The owner of any category of property may make application for the consideration of a reduction in the municipal valuation of property as contemplated in Section 15 of the Act, where it is contended that the market value of the property is being affected by:
	(a) A disaster within the meaning of the Disaster Management Act (57 of 2002); or
	(b) Any other serious adverse social or economic conditions as may be defined and determined by the Council.
Reduction Granted	<p>The relief provided will be in the form of a reduction in the municipal valuation of the property in relation to a certificate issued for this purpose by the municipal valuer.</p> <p>The resultant reduction in the quantum of the rates payable will be for the current financial year only and calculated on a pro-rata basis from the date of the disaster or adverse conditions to the end of the financial year.</p> <p>Should the applicant consider that the conditions resulting in the granting of relief remain unaltered at the conclusion of the financial year in question, a further application may be lodged for the new financial</p>

	year
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## 10. Multiple purpose properties

10.1 The municipality shall determine a method of assessing the value of multi-purpose properties applying the following: -

10.1.1 in respect of vacant land that has not been put to any use. In this instance the zoning or permitted use as approved in terms of Township Establishment Scheme of the municipality shall prevail;

10.1.2 The valuation for all other multiple-purpose properties will be assessed according to the dominant use of the property according to value.

10.2 With regard to the rural communal property-

10.2.1 it shall be considered as a multiple use property as a whole;

10.2.2 that identifiable and ratable entities within the property (such as commercial leases and commercial and institutional in possession of permission to occupy) be identified, valued and rated individually, with the proviso that the municipality may extend this annually to include other identifiable entities as the data set is developed; and

10.2.3 that the residual portion of the land be considered as the 'Residual' portion of the land for valuation, rating and rebate purposes and be exempted from the payment of rates as stipulated in Section 9.4.2, Part B, subsection (c).

## 11. Community participation

The municipality has conducted public participation and consultation processes in accordance with Chapter 4 of the Municipal Systems Act No. 32 of 2000 and Chapter 2 of this Act.

**12. Recovery and payment of rates**

- 12.1 An owner of a ratable property shall be liable for a property rates account.
- 12.2 Property rates shall be recovered on a monthly basis over a twelve months' period in equal installments.
- 12.3 Owners of ratable properties liable for the payment of property rates account shall be furnished with a written municipal account on a monthly basis.
- 12.4 Payment of property rates with a single amount on or before 31 December of each year, shall be allowed on condition that: -
- 12.4.1 the owner applies to the municipality in writing on a prescribed form for such deferment of the payment of the property rates account;
  - 12.4.2 The owner has more than ten (10) property rates accounts with the municipality;
  - 12.2.3 The application reaches the municipality before 30 June of each year; and
- 12.5 Interest on overdue property rates accounts shall not be levied until 31 December of each year in case of payment of property rates with a single amount for twelve months.
- 12.6 Rates in arrears shall be recovered from tenants and occupants of a property if the owner fails to pay the property rates account.
- 12.7 The Credit Control and Debt Collection By-law shall apply in cases where the property rates accounts are in arrears.
- 12.8 The consolidation of property rates and services charge in one account and any appropriation of payments received shall be done by the municipality on a discretionary basis in accordance with the Credit Control and Debt Collection By-law. Interest on property rates in arrears shall be calculated and charged at prime rate which shall be applicable at 30 June plus one percent fixed over the twelve months' period of the financial year.
- 12.9 This clause shall only come into effect upon the decision of council.

**13. Phasing in of the new market value**

- 13.1 Phasing-in of the new market value of a property over a period four years, in a situation whereby the property rates account has increased by more than five hundred percent (500%) due to the new rating system.
- 13.2 Each case or matter shall be treated on its merit.
- 13.3 The owner of the property shall make an application in writing stating the reasons for the request of the phasing-in of market value of the property.
- 13.4 All outstanding debts due to the application for deferment made in the financial year 2009/10 shall be dealt with in terms of the Credit Control and Debt Collection By-law.
- 13.5 These amendments be applied retrospectively i.e. effective from 1 July 2009; and [Editor's Note: Numbering as published under LAN 128 in PG 1841/2010]
- 13.7 The authority to approve the phasing-in of the new market value of the property shall be delegated to the Chief Financial Officer in terms of the municipality's delegations.

**14. Special rating area**

The establishment of or applications for establishment of special rating area(s) in terms of its City Improvement Districts By-law shall be considered by the municipality.

**15. Review of this By-law**

The By-law shall be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives and with legislation.

**16. Short title**

This By-law shall be known as Thembisile Hani Property Rates By-law.

**17. Implementation of this By-law**

This By-law shall be effective from a date determined by Council.

**LOCAL AUTHORITY NOTICE 55 OF 2021**  
**MARULENG LOCAL MUNICIPALITY**

**NOTICE ON THE DRAFT POLICIES AND BY-LAW'S**

Notice is hereby given in terms of section 156 of the constitution, 1996, (Act No. 108 of 1996) read in conjunction with section 11(3) of the Local Government: Municipal system Act (Act No.32 of 2000), that the Draft Policies and By-laws are available for public comments and that the Council had on its Special Council meeting held on the 30 March 2021, noted the following Policies and By-Laws:

<b>CORPORATE SERVICES</b>	<b>TECHNICAL SERVICES</b>
Community Bursary Policy	EPWP Policy
Public Participation Strategy	
Communication Strategy By-Law	
<b>SPATIAL PLANNING AND ECONOMIC DEVELOPMENT</b>	<b>COMMUNITY SERVICES</b>
SPLUMA By-Law	Animal Pound By-Law
Building Regulations By-Law	Noise Management By-Law
Control of Outdoor Advertisement and Signage By-Law	Use of Municipal Recreational Facilities
Informal Street Trading By-Law	Open Space & Parks Management By-Law
	Waste Management Policy
<b>BUDGET AND TREASURY</b>	
Assets Management Policy	Tariff Policy
Budget Policy	
Credit Control and Debt Collection Policy and By-Law	Unknown Deposit Policy
Credit Control Policy	Unauthorized, Irregular, Fruitless and Wasteful Expenditure Policy
Indigent Policy	Writing off Irrecoverable Debt Policy



Revenue Enhancement Strategy	Debt Incentive Scheme Policy
Supply Chain Management Policy	SCM Infrastructure Procurement Policy

Maruleng Municipality hereby calls upon all citizens and organizations to critically comment on the Draft Policies and By-Law. Submissions of comments are open until 27 May 2021.

Please take this opportunity to read the revised policies and by law's and make your comments.

Copies of the Draft Policies and By-Law can be obtained from:

- Municipal website [www.maruleng.gov.za](http://www.maruleng.gov.za),
- Hoedspruit - Municipal Offices and Municipal Library at 65 Springbok Street, or should be requested by e-mail from [mappsmakgato@gmail.com](mailto:mappsmakgato@gmail.com)

For enquiries please contact Advocate Makgato on 015 793 2409.

Written comments must be directed to the Municipal Manager at P.O Box 627, Hoedspruit 1380, 65 Springbok Street, Hoedspruit 1380 or e-mailed to [mappsmakgato@gmail.com](mailto:mappsmakgato@gmail.com). Closing date for submission is 21 May 2021.

**MAGABANE T.G**  
**MUNICIPAL MANAGER**





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