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EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

Vol: 265

MAHIKENG
14 June 2022
14 Junie 2022

No: 8368

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ISSN 1682-4539



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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 318 OF 2022

MADIBENG LOCAL MUNICIPALITY



TARIFF BY-LAW 2022/2023 FINANCIAL YEAR

APPROVED PER COUNCIL RESOLUTION A.0588 OF 31 MAY 2022

To give effect to the implementation of the Madibeng Local Municipality's individual tariff policies and to provide for matters incidental thereto.

Preamble

1. Section 229(1) of the Constitution of the Republic of South Africa authorizes a municipality to impose
 - (a) Rates on property and surcharges on fees for services provided by or on behalf of the municipal, and
 - (b) If authorized by national legislation, other taxes, levies and duties.
2. In terms of section 75A of the Systems Act, 32 of 2000, a municipality may:
 - (a) Levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and
 - (b) Recover collection charges and interest on any outstanding debt.
3. In terms of section 74(1) of the Systems Act, 32 of 2000, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of services delivery agreements and which complies with the provisions of the Systems Act, the Local Government Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
4. In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policies.
5. In terms of section 75(2) of the Systems Act, 32 of 2000, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

BE IT THEREFORE ENACTED by the Council of the Madibeng Local Municipality, as follows:-

Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these By-laws, and unless the context indicates otherwise—

“Council” means the Council of the Madibeng Local Municipality;

“Credit Control and Debt Collection By-law and policy” means the Credit Control and Debt Collection Policy as required in terms of section 96(b) and 97 and 98 of the Local Government: Municipal Systems Act, Act 32 of 2000;

“Tariff” means fees, charges or any other tariffs levied by the council in respect of any function or service provided by the Council, including rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004, as amended;

“Tariff policy” means a tariff policy adopted by Council in terms of this By-law.

1. Guiding principles in the determination of tariffs.

In the determination of tariffs the Council shall be guided by the following principles –

- i. Tariffs shall be equitable and affordable in that the amount due for municipal services should generally be in proportion to their use of that service;
- ii. Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa
- iii. Tariffs shall be cost effective and cost reflective and should reflect the cost reasonably associated with rendering municipal services, including capital, operating, maintenance, administration, replacement costs and financing charges;
- iv. Tariffs shall promote the sustainability of the provision of municipal services.

2. Application of By-law

This by-law shall only apply to tariffs applicable to the Council and municipal entities in respect of which the municipality is the parent municipality for –

Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –

- i. provision of water;
- ii. refuse removal;
- iii. sewerage;
- iv. removal and purification of sewerage;
- v. electricity consumption;
- vi. municipal services provided through prepaid meters.
- vii. all other related costs for services rendered in terms of the service
- viii. interest which has accrued or will accrue in respect of money due and payable to the Council;
- ix. collection charges in those cases where the Council is responsible for
 - (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
 - (bb) the recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

3. Adoption and implementation of Tariff Policy

The council shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the council or by way of service delivery agreements which complies with the provisions of the Local Government: Municipal Systems Act, 32 of 2000, the Local Government Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

4. Enforcement of Tariff Policy

The Council's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and policy and any further enforcement mechanism stipulated in the Council's tariff policy.

5. Short title and commencement

This By-law is the Tariff By-law, and takes effect on 01 July 2022.



MRS MOTLALEKGOMO MMOPE
ACTING MUNICIPAL MANAGER

PROVINCIAL NOTICE 319 OF 2022

MADIBENG LOCAL MUNICIPALITY



Credit Control and Debt Collection By-Law

APPROVED PER COUNCIL RESOLUTION A.0588 OF 31 MAY 2022

2022/2023 Financial Year

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

Bylaw

To give effect to the implementation of the Madibeng Local Municipality's Credit Control and Debt Collection Policy and to provide for matters incidental thereto.

Preamble

WHEREAS the Madibeng Local Municipality has adopted a Credit Control and Debt Collection Policy on 31 May 2022 AND WHEREAS section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), requires a municipal council to adopt bylaws to give effect to the municipality's credit control and debt collection policy; BE IT THEREFORE ENACTED by the Council of the Madibeng Local Municipality, as follows:

1. Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these bylaws, and unless the context indicates otherwise —

“**Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended from time to time;

“**Council**” means the Council of the Madibeng Local Municipality ; and

“**rate**” or “**rates**” means a rate on property and or services as approved by council.

2. Objective of the Bylaw

The objective of this bylaw is to —

- i. ensure that all monies due and payable to the Council are collected;
- ii. provide for customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- iii. provide for indigents in a way that is consistent with rates and tariff policies and any national policy on indigents;
- iv. provide for extension of time for payment of accounts;
- iv. provide for charging of interest on arrears, where appropriate;
- v. provide for termination of services or the restriction of the provision of services when payments are in the arrears; and
- vi. provide for matters relating to unauthorized consumption of services, theft and damages.

3. Application of Bylaw

This bylaw shall only apply to money due and payable to the Council and municipal entity in respect of which the municipality is the parent municipality for —

- a. Assessment rates and taxes levied on the property
- b. Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as —

- i. provision of water;
 - ii. refuse removal;
 - iii. sewerage;
 - iv. removal and purification of sewerage;
 - v. electricity consumption;
 - vi. municipal services provided through prepaid meters.
 - vii. all other related costs for services rendered in terms of the property
 - viii. interest which has accrued or will accrue in respect of money due and payable to the Council;
 - ix. surcharges; and
 - x. collection charges in those cases where the Council is responsible for;
- (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
 - (bb) the recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

4. Short title and commencement

This Bylaw is the Credit control and Debt collection By-Law of the Madibeng Local Municipality, and takes effect on 01 July 2022.



MRS MOTLALEKGOMO MMOPE
ACTING MUNICIPAL MANAGER

PROVINCIAL NOTICE 320 OF 2022



Madibeng

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MUNICIPAL NOTICE NO: 18 OF 2022

MADIBENG LOCAL MUNICIPALITY

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO.6 OF 2004

Notice No.18/2022

Date: 31 May 2022

Madibeng Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of No A.05088 of the resolution adopted the Municipality's Property Rates By-law set out hereunder.

MADIBENG LOCAL MUNICIPALITY
MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Madibeng Local Municipality, as follows:

1. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

'Municipality' means Madibeng Local Municipality ;

'Municipal Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the Madibeng Local Municipality's property rates policy adopted by the Council by Resolution No.A05088 in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

2. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates, which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at ...

Municipal Offices

Schoemansville
Damonsville
Mothotlung
Oukasie
Letlhabile

Website www.madibenglocalmunicipality.gov.za

4. CATEGORIES OF RATEABLE PROPERTIES

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

7. SHORT TITLE AND COMMENCEMENT

This By-law is called the Madibeng Local Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.



MRS MOTLALEKGOMO MMOPE
ACTING MUNICIPAL MANAGER

PROVINCIAL NOTICE 321 OF 2022



Madibeng

Local Municipality

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Reference	5/15/3
Contact Person	LL TSELANE

Civic Centre 53 Van Velden Street BRITS
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Notice Number: 18/2022

Date: 31 May 2022

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 01 JULY 2022 TO 30 JUNE 2023.

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 31 May 2022, the Council resolved by way of council resolution number A.0588, to levy the rates on property reflected in the schedule below with effect from 01 July 2022.

Category of property	Rate ratio	Cent amount in the Rand rate determined for the relevant property category
Residential	1:1	0,006944
Vacant Residential Properties	1:2,4	0,017408
Vacant Business Properties	1:2,5	0,018313
Indigent Residential Properties	1:1	0,006944
Municipal Properties	1:1,9	0,013381
Public Service Infrastructure	1:0,25	0,001736
Public Benefit Organization	1:0,25	0,001736
Places of Public Worship	1:0,25	0,001736
Private Development Residential Townships	1:1	0,006944
Communal Land	1:0,25	0,001736
Privately Developed Business, Commercial and Industrial Properties	1:1,6	0,011033
Industrial Properties	1:1,6	0,011033
Business and Commercial Properties	1:1,6	0,011033
Mining Properties	1:1,9	0,013475
Private Roads	1:0,25	0,001736
Private Open Space	1:0,25	0,001736
Agricultural Properties	1:0,25	0,001736

Agricultural-Residential	1:1	0,006944
State Owned Properties	1:3	0,021830
Non-Permitted Use	1:10,2	0,074340
Property Affected by Disaster or Partial or Total Destruction	1:0,25	0,001736
<u>Non-Profit Organization:</u>		
Business	100%	100%
Residential	100%	100%
Agricultural	100%	100%

EXEMPTIONS, REDUCTIONS AND REBATES

Residential Properties: For all residential properties, the municipality will not levy a rate on the first R70 000.00 of the property's market value. The R70 000.00 is inclusive of the R15 000 statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act.

Privately developed residential townships" (vacant stands)

50% rebate is only applicable until date of transfer of the residential stands concerned in the name of the first buyer. This incentive is applicable to land developers installing services at own cost and must apply for such a rebate before 30 September of each financial year.

Privately developed Business, Commercial and Industrial Properties (vacant stands)

- (a) The municipality shall grant 50% rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, The following criteria will apply:
 - (i) job creation in the municipal area;
 - (ii) social upliftment of the local community; and
 - (iii) creation of infrastructure for the benefit of the community.
- (b) Rebates will be granted on application subject to:
 - (i) a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
 - (ii) a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plans to continue to meet the objectives;
 - (iii) an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
 - (iv) a municipal council resolution.
 - (v) Such a rebate shall cease to exist on date of issue of occupation certificate (COC).

Developers must apply for such a rebate before 30 September of each financial year.

Rebates in respect of a category of owners of property are as follows:

Indigents

Indigent household as defined in the Municipality's indigent policy, 100% rebate of residential tariff will be granted to registered indigents in terms of the Indigent Policy of the Madibeng Local Municipality.

Pensioners Rebate

A maximum/total rebate of 50% will be granted to owners of residential rateable property, (one property per owner and must be residing in that property) who have reached the age of 60 years or his/her spouse, with a combined income not to exceed an amount of R14000.00 per household per month. The amount will be reviewed during the Madibeng Local Municipality annual budget process. The pensioner property owner must apply for the rebate; proof of income and latest 3 months bank statement(s) if any must be attached. A maximum/total rebate of 30% will be granted to owners of residential rateable property, who have reached the age of 60 years or his/her spouse, if any, with a combined income not exceeding R19000.00 per household per month.

The rateable property concerned must be occupied only by the applicant and his/her spouse, if any, and by dependents without income;

The applicant must submit proof of his/her identity document and proof of annual income.

The property must be categorized as residential.

Physically Disabled and Mentally Incapacitated

- (a) A maximum/total rebate of 50% will be granted to owners of residential rateable property, who are physically disabled. The disabled property owner must apply for the rebate, latest 3 months bank statement(s) and proof of disability must be attached.
- (b) The applicant must submit proof of his/her identity, proof of certification by a medical Officer of Health and proof of annual income from a social pension;
- (c) The property must be categorized as "residential".

Owners temporarily without income

The Indigent criteria may be applied temporarily on successful application.

Full details of the Council resolution and rebates, reductions and exemptions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website www.madibenglocalmunicipality.gov.za and public libraries within the municipality's jurisdiction.



MRS MOTLALEKGOMO MMOPE
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065
Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.