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Vol. 10

BISHO/
KING WILLIAM'S TOWN, 2 FEBRUARY 2004

No. 1118

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



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GENERAL NOTICE

No. 10

(Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 67/1995)

The Trustees for the time being of SETPLAN E.L. Trust, No IT1262/200/2 trading as Setplan, acting on behalf of the owners of the undermentioned land has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on **Remainder of Erf 6955, Erf 6956, Remainder of Erf 6957 & Erven 6958 -6960 Berea, East London**

The application will consists of the following :

1. **The rezoning of the Remainder of Erf 6955 (35 Pearce Street), Erf 6956 (37 Pearce Street), 6958 (40 Stewart Drive), 6959 (38 Stewart Drive) and 6960 (36 Stewart Drive), Berea, East London from Residential Zone 3b to Business Zone 1.**
2. **The rezoning of the Remainder of Erf 6957 (26 Fifth Avenue), Berea, East London from Business Zone 4 to Business Zone 1**
3. **The consolidation of the subject properties**

The land development project aims to obtain the following:

- **Rights to develop the subject site for Business purposes.**

The relevant plan(s), document(s) and information are available for inspection at **The Designated Officer, Department of Housing, Local Government and Traditional Affairs, Room 4148 b, Fourth Floor, Tyanzashe Building: BISHO** for a period of **14** days from **02 February 2004**

The application will be considered at a TRIBUNAL HEARING to be held on **06 April 2004** at **10h30** and the PRE-HEARING Conference on **23 March 2004** at **10h30**.

The venue for both hearings will be held at the **4th Floor Conference room, Department of Housing, Local Government & Traditional Affairs, BISHO: Tyamzashe Building, Civic Centre.**

Any person having an interest in the application should please note:

1. You may within a period of 14 days from the date of the publication of this notice, provide the Designated Officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on, the date mentioned above.

Any objection or representation must be delivered to the Designated Officer at the **The Designated Officer, Department of Housing and Local Government and Traditional Affairs, Room 4148 b, Fourth Floor, Tyanzashe Building: BISHO** and you may contact **Mr T.Tofile** if you have any queries on Telephone No. **040 609 5494**.

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(Regulasie 21(10) van die Regulasies op Ontwikkelingsfasilitering ingevolge die Wet op Ontwikkelingsfasiliterings, 67/1995)

Die huidige Trustees van SETPLAN E.L. Trust, No IT1262/200/2 wat handeldryf as Setplan, en wat optree namens die eienaars van die onder gemelde eiendomme het n grondontwikkelingsaansoek ingedien in terme van die Wet op Ontwikkelingsfasilitering vir die stigting van n grondontwikkelingsgebied op die **Restant van Erf 6955, Erf 6956, Restant van Erf 6957 & Erwe 6958 - 6960 Berea, Oos- Londen**

Die aansoek is vir die volgende:

1. **Die hersonering van die Restant van Erf 6955 (Pearce Straat No.35), Erf 6956 (Pearce Straat No.37), Erf 6958 (Stewart Rylaan No.40), Erf 6959 (Stewart Rylaan No.38) en Erf 6960 (Stewart Rylaan No.36), Berea, Oos-Londen van residensieel Zone 3b na Besigheid Zone 1.**
2. **Die hersonering van die Restant van Erf 6957 (Vyfde Laan No.26), Berea, Oos-Londen van Besigheid Zone 4 na Besigheid Zone 1.**
3. **Die Konsolidasie van die bogenoemde eiendomme**

Die grondontwikkelingsaansoek beoog om die volgende te bereik:

- **Die verkryging van die nodige regte om die bogenoemde eiendom te ontwikkel vir Besigheids doeleindes.**

Die relevante planne, dokumente en inligting is beskikbaar vir besigtiging by **Die Aangewese Beampte, Departement van Behuising, Plaaslike Regering en Tradisionele Sake, Kamer 4148 b, Vierde Vloer, Tyanzashe Gebou: BISHO** vir n tydperk van **14** dae vanaf **02 February 2004**

Die aansoek sal oorweeg word by n Tribunaal Verhoor op **06 April 2004** om **10h30** en die Vooraf-Verhoor Konferensie om **23 Maart 2004** om **10h30**.

Die plek waar albei verhore sal plaasvind is die **4^{de} Vloer Konferensie Kamer, Departement van Behuising, Plaaslike Regering en Tradisionele Sake, BISHO: Tyanzashe Gebou, Burger Sentrum.**

Enige persoon wat n belang het by die aansoek moet daarop let dat:

1. n Skriftelike vertoe mag aan die Aangewese beampte gelewer word binne n tydperk van **14 dae** vanaf die datum van hierdie publikasie; of
2. Indien die vertoe of kommentaar n beswaar insluit rakende enige aspek van die grondontwikkelingsaansoek, moet die beswaarmaker in persoon, of deur middel van n verteenwoordiger, op die bogenoemde datums of op enige ander datum waarvan u kennis gegee kan word, voor die Tribunaal verskyn..

Enige geskrewe beswaar of vertoe moet oorhandig word aan die Aangewese Beampte by die **Departement van Behuising, Plaaslike Regering en Tradisionele Sake, Kamer 4148 b, Vierde Vloer, Tyanzashe Gebou: BISHO** Indien u enige navrae het, kontak die Aangewese Beampte, Mnr.T. Tofile, by Tel. No. **040 609 5494** indien daar enige navrae is.

LOCAL AUTHORITY NOTICES

No. 2**BUFFALO CITY MUNICIPALITY****CLOSURE OF PORTIONS OF PUBLIC PLACE ERF 3403 ADJOINING ERF 1108,
MDANTSANE UNIT 5 ZONE 8**

Notice is hereby given in terms of Section 121 (1) of the Municipal Act No. 17 of 1987 that portions of public place Erf 3403 adjoining Erf 1108, Mdantsane Unit 5, Zone 8 is closed (6/1/3-5/5/5 v1 p.86).

M.B. TSIKA
CITY MANAGER (2704)

BUFFALOSTAD MUNISIPALITEIT**SLUITING VAN GEDEELTES VAN OPENBARE PLEK ERF 3403 GRESEND AAN
ERF 1108, MDANTSANE EENHEID 5 SONE 8**

Kennis geskied hiermee ingevolge die bepalings van Artikel 121 (1) van Munisipale wet No. 17 van 1987 dat gedeeltes van Openbare Plek Erf 3403 grensend aan Erf 1108, Mdantsane, Eenheid 5, Sone 8 gesluit is (6/1/3-5/5/5 v1. p 86).

M.B. TSIKA
STADSBESTUURDER (2704)

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No. 3**THE CREDIT CONTROL AND DEBT COLLECTION POLICY****LUKHANJI MUNICIPALITY****BY-LAW 1 OF 2002****BY-LAW**

To provide for credit control and debt collection, Lukhanji Municipality, and to provide for matters incidental thereto.

Recognising:

- That there is a need to ensure financially and economically viable municipalities.
- There is a need to create a more harmonious relationship between municipal councils, municipal administrations and the local communities.
- Whereas in terms of Section 96 of the Local Government Municipal Systems Act 2000, a Municipality must collect all money that is due and payable to it, subject to the said act and any other applicable legislation and for this purpose, must adopt, maintain and implement a credit control and debt collection policy, which is consistent with its rates and tariff policies and complies with the provisions of the said Local Government Municipal Systems Act no 2000.
- And whereas the said Act in Chapter 9 under the heading credit control and debt collections states as follows:

Customer care and management

95. In relation to the levying of rates and other taxes by a municipality and the charging of fees for municipal services, a municipality must, within its financial and administrative capacity -
- a) establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, a service provider;
 - b) establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider;
 - c) take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
 - d) where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;

ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due;

- e) provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such person to receive prompt redress for inaccurate accounts;
- f) provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
- g) provide mechanisms to monitor the response time and efficiency in complying with paragraph (g); and
- h) provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

Debt collection responsibility of municipalities

96. A municipality -

- a) must collect all money that is due and payable to it, subject to this Act and any other applicable legislation; and
- b) for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of this Act.

Contents of policy

97. 1) A credit control and debt collection policy must provide for -

- a) credit control procedures and mechanisms;
- b) debt collection procedures and mechanisms,
- c) provision for indigent debtor that is consistent with its rates and tariff policies and any national policy on indigents;
- d) realistic target consistent with -
 - i) general recognised accounting practices and collection ratios; and
 - ii) the estimates of income set in the budget less an acceptable provision for bad debts;
 - iii) interest on arrears, where appropriate;

- iv) extensions of time for payment of accounts;
 - v) termination of services or the restriction of the provision of services when payments are in arrears;
 - vi) matters relating to unauthorised consumption of services, theft and damages; and
 - vii) any other matters that may be prescribed by regulation in terms of section 104.
- 2) A credit control and debt collection policy may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.

By-laws to give effect to policy

98. 1) A municipal council must adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement.
- 2) By-laws in terms of subsection (1) may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.

Supervisory authority

99. A municipality's executive committee or executive mayor or, if a municipality does not have an executive committee or executive mayor, the municipal council itself or a committee appointed by it, as the supervisory authority must -
- a) oversee and monitor -
 - i) the implementation and enforcement of the municipality's credit control and debt collection policy and any by-laws enacted in terms of section 98; and
 - ii) the performance of the municipal manager in implementing the policy and any by-laws;
 - iii) when necessary, evaluate or review the policy and by-laws, or the implementation of the policy and any such by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures; and

- iv) at such intervals as may be determined by the council report to a meeting of the council, except when the council itself performs the duties mentioned in paragraphs (a) and (b).

Implementing authority

100. The municipal manager or service provider must -

- a) implement and enforce the municipality's credit control and debt collection policy and any by-laws enacted in terms of section 98;
- b) in accordance with the credit control and debt collection policy and any such by-laws, establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the municipality; and
- c) at such intervals as may be determined by the council report the prescribed particulars to a meeting of the supervisory authority referred to in section 99.

Municipality's right of access to premises

101. The occupier of premises in a municipality must give an authorised representative of the municipality or of a service provider access at all reasonable hours to the premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.

Accounts

102. 1) A municipality may -

- a) consolidate any separate accounts of persons liable for payments to the municipality;
 - b) credit a payment by such a person against any account of that person; and
 - c) implement any of the debt collection and credit control measures provided for in this Chapter in relation to any arrears on any of the accounts of such a person.
- 2) Subsection (1) does not apply where there is a dispute between the municipality and a person referred to in that subsection concerning any specific amount claimed by the municipality from that person.

Agreements with employers

103. A municipality may -

- a) with the consent of a person liable to the municipality for the payment of rates or other taxes, or fees for municipal services, enter into an agreement with that person's employer to deduct from the salary or wages of that person -
 - i) any outstanding amounts due by that person to the municipality; or
 - ii) such regular monthly amounts as may be agreed; and
- b) provide special incentives for -
 - i) employers to enter into such agreements; and
 - ii) employees to consent to such agreements.

Regulations and guidelines

104. 1) The Minister may for the purposes of this Chapter make regulations or issue guidelines in accordance with section 120 to provide for or regulate the following matters:
- a) the particulars that must be contained in the municipal manager's report in terms of section 100(c);
 - b) the identification of municipal services provided by the municipality or other service providers to users of services where the use of the service by the user can reasonably be determined, measured or estimated per quantity used or per frequency of such use;
 - c) the determination, measurement or estimate of the use by each user of each service so identified;
 - d) user agreements, and deposits and bank guarantees for the provision of municipal services;
 - e) the rendering of accounts to ratepayers and users and the particulars to be contained in the accounts;
 - f) the action that may be taken by municipalities and service providers to secure payment of accounts that are in arrear, including -
 - i) the termination of municipal services or the restriction of the provision of services;

- i) the seizure of property;
 - ii) the attachment of rent payable on a property; and
 - iii) the extension of liability to a director, a trustee or a member if the debtor is a company, a trust or close corporation;
 - g) appeals against the accuracy of accounts for municipal taxes or services;
 - h) The manner in and time within which such appeals must be lodged and determined and the consequences of successful and unsuccessful appeals;
 - i) extensions for the payment of arrears and interest payable in respect of such arrears;
 - j) service connections and disconnections, and the resumption of discontinued services;
 - k) the combatting of unauthorised consumption, connection and reconnecting and theft of municipal services;
 - l) the development and implementation of an indigent policy;
 - m) the tampering with or theft of meters, service supply equipment and reticulation network and any other fraudulent activity in connection with the provision of municipal services; and
 - n) any other matter that may facilitate -
 - i) effective and efficient systems of credit control and debt collection by municipalities; or
 - ii) the application of this Chapter
- 2) When making regulations or issuing guidelines in terms of section 120 to provide for or to regulate the matters mentioned in subsection (1) of this section, the Minister must -
- a) take into account the capacity of municipalities to comply with those matters; and
 - b) differentiate between different kinds of municipalities according to their respective capacities.

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Be it therefore enacted by the Council of the Lukhanji Municipality, as follows:

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Chapter 1

THE CREDIT CONTROL DEBT COLLECTION POLICY**1. New or existing services**

- 1.1 All properties/premises must have metered and or prepaid services
- 1.2 a signed contract must be entered into between the municipality and the client. This shall be in terms of the laid down application form as annexed hereto Market "A" and as amended by the Council from time to time, which form shall be read as if incorporated herein.
- 1.3 a deposit and connection fee as approved by council must be paid by the client prior to providing any service.
- 1.4 all discontinuances of services to the properties/premises on the part of the client, must be in writing in order that the municipal employee may take a final reading on date of discontinuance.
- 1.5 If there is no contract for provision of any service to a property/premises, the municipality is not obliged to provide any service to such properties/premises.
- 1.6 In the case of unmetered or "flat rate" properties/premises, frequent surveys should be made in order to charge the correct occupant/debtor.
- 1.7 The Council is bound by Section 118 of the Local Government Municipal Systems Act number 82 of 2000 and shall not issue a certificate of clearance for rural property which shall certify that all amounts due in respect of that property for municipal service fees, surcharges on fees/properties rate and other municipal taxes, levies and duties have been fully paid.
 - a) All clients who apply for the rendering of services from the municipality will clearly indicate whether they are tenants and/or owners of the property. The Council shall endeavour to apply the credit control policy strictly against tenant clients so as to protect the interest of the owners who can be held liable in terms of Section 118 of the Local Government Municipal Systems Act, but shall not be held responsible and/or liable for the failure to do that and for any municipal service fees and/or any other levies and duties which have accrued to the said tenant, which shall in terms of the said Act, be the responsibility and liability of the owner.
 - b) It remains the owners' responsibility who leases the properties to protect themselves from having to pay arrear service charges, costs and other levies which may have been occurred by the tenants.

2. Arrear accounts

Should any account of the owner/occupier of a property/premises be in arrears, for any rate and sewerage/sanitation, and/or service charges, the following steps must be taken

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after the due date of such an account:

2.1 Debtors who are due to be disconnected

- a) A list of defaulters will be provided to the Ward Councillor 14 days prior to the date of disconnection to enable him/her to visit the debtor regarding the outstanding debt.
- b) The Ward Councillor will make an arrangement with the debtor that will include his monthly current account plus a fixed amount on the arrears which is payable immediately.
- c) All new arrangements must be returned within the 14 days but no later than 48 working hours before disconnection date, to the Debt Collection section by the Ward Councillor to avoid disconnection.
- d) Each Councillor will be provided with an arrangement book in which all arrangements must be recorded and when handed in must be signed for by the Debt Collection Clerk
- e) All arrangements are subject to approval by the Director Finance and should be based solely on affordability of the debtor

2.2 Debtors who have already been disconnected

- a) A list will be provided to the Ward Councillor of debtors who have already been disconnected to enable him/her to visit the debtor regarding the outstanding debt.
- b) These debtors will have to pay the applicable reconnection fee as determined by council from time to time plus their first instalment of the arrangement before reconnecting.

2.3 Debtors who have made arrangements with the Ward Councillor but did not honour them.

- a) These debtors will be disconnected and Ward Councillors will be provided with a list of these debtors who made arrangements as in (2.1.b) and did not honour them and a restrictor water valve will be inserted at the property at the cost of the debtor.
- b) These debtors will have to pay the arrear outstanding amount plus the applicable reconnection fee.
- c) Only the Debt Collection Clerks may make further arrangements with the debtor who has already made arrangements with his Councillor and did not honour it.

NO INDIVIDUAL OTHER THAN THOSE ALLOWED FOR IN THE POLICY MAY INTERFERE WITH OR MAKE ARRANGEMENTS WITH THE DEBT COLLECTION SECTION

3. Incentive Scheme

In order to motivate debtors to make arrangements and to pay their arrear debt, the following incentives are introduced:

- 3.1 A debtor who has made an arrangement and pays his first instalment strictly according to the arrangement will qualify for a 5 % credit on the amount that has been paid.
- 3.2 A debtor who has strictly adhered to his/her arrangements for a period of three months will qualify for a further 10 % credit on payment made over at that three month period after the payment in 3.1.
- 3.3 After the three months in 3.2 debtors will be reviewed quarterly and if payments are maintained as in 2.1.b, the debtor will be credited quarterly with a further 10 %.

4. Legal Action

- 4.1 The credit control officer should be able to institute all processes in legal action on behalf of the municipality, thereby saving the council money on attorney's fees.
- 4.2 Where the expertise is not available in-house, Council's attorney's should be used for the purpose of debt collection.

Litigation procedures (simplified), in terms of the Magistrate's Court Act No 32 of 1944 (as amended, herein after referred to "The Act")

i) Letter of Demand

Deeds search in case of rates essential.

Produce computerized registered letters of demand, for the payment within 14 days from the date of the letter, to the domicillium citandi executandi of all debtors accounts in arrears, having checked that database of debtor's accounts are verified, correct and that arrangement for extension of payment made by debtors as adhered to.

All costs of litigation are to be debited to the account of the debtor.

ii) Arrangement for extension of payment

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In terms of the section 57 of "the Act", a person may acknowledge and undertake to pay any debt in instalments or otherwise.

This in turn empowers the creditor to obtain judgement and an evolvments attached order (garnishee) against the debtor, without having issued summons, provided that a registered letter of demand and a letter of acceptance by the creditor of such acknowledgement and undertaking has been forwarded to the debtor.

iii) Summons

After expiry of 14 days (or other period) of the letter of demand for payment, the debtor fails or neglects to pay, or make suitable arrangements in terms of Paragraph 2, above, the creditor issues summons.

Proper details (database) of debtors should be maintained in order to ensure the correct citation of the debtor/s in the summons, (by doing and I.D. no, Deed, or company registration number search).

Particulars of claim should be precise and not confusing.

Once summons documentation is complete, it is to be checked and signed by the delegated credit control officer on behalf of the creditor.

A hard copy file must be opened for each matter containing copies of each and every process and correspondence.

A revenue stamp is affixed to the original summons, signed by the delegated credit control officer (who must be a Commissioner of Oaths) whereafter it is taken to the Clerk of the Court to be signed and issue case number.

The sheriff of the magistrates court will then attend to service of the summons on the defendant/s.

The Sheriff will then return the original summons with a document (in terms of rule 9 of "The Act") which is referred to as: "The return of service" stating whether and in which manner the summons was served or not.

Should the matter be differentiate, within the prescribed period of 5 days (defendant/s to serve on the plaintiff a notice of defence) the plaintiff having signed and received a copy of such notice, all relevant documentation relating to the matter be handed to an attorney for further action.

iv) Default Judgement

When a matter is undefended within a period of 5 days from issue of summons, an application for default judgement is made.

The application is prepared and the original summons and return of service is attached to the application and taken to the clerk of the court in order to obtain judgement by the magistrate.

Once default judgement is obtained from the Magistrate, the original documentation is filed at Court and duplicate of judgement returned to the plaintiff.

v) Warrant of Execution

Documentation may be prepared simultaneously with default judgement in order to save time and documentation is also then returned to the plaintiff.

Movable property - to be dealt with by Municipal approved Attorney

The Council will refer matters from execution stage to an attorney of its choice. Sufficient copies of the warrant of execution are to be attached to the original for service on each defendant by the Sheriff.

The Sheriff serves and attaches movable property and the plaintiff receives a return of service and inventory of goods attached, or returns a "Nulla Bona" service.

A notice to remove attached property is then given to the Sheriff who will then remove and store movable goods on request.

If goods sold in execution does not cover the amount owed, or "Nulla Bona" return on warrant of execution of movable property is received.

Deeds search then essential to establish whether defendant owns any immovable property: - IF SO

Immovable Property - To be dealt with by Municipal Attorney

Sufficient copies of the Warrant of Execution, describing the immovable property, are to be attached to the original document, for service by the sheriff, on the Registrar of Deeds, the Bondholder, Local Authority and Defendant/s of such attachment of immovable property.

The Sheriff will then supply "Returns of Service".

vi) Sale in Execution

Movable Property

Notice of date of sale is prepared in conjunction with - and submitted to - the sheriff, three weeks prior to the date of sale.



Should the goods attached exceed the amount of R3 000,00 as currently prescribed in "The Act", a notice of sale in execution must be published in the press.

Immovable Property

Notice of date of sale is prepared in conjunction with the Sheriff, and published in the press.

- vii) Section 65 Proceedings - to be dealt with by Municipal approved Attorney

Once default judgement is obtained and a warrant of execution produces a "Nulla Bona" return of service, and a Deeds search reveals that the defendant owns no immovable property, proceed with section 65 of "The Act" by sending registered notice in terms of Section 65, notifying the defendant of the intended financial enquiry at Court.

5. Unauthorized Consumption, Theft and Damages

- 5.1 The Council will view the following as UNAUTHORIZED consumption, theft or damage and shall constitute a criminal offence:

- a) Any connection to, or consumption from, an electricity line that has not been provided by the debtor by the Council.
- b) Any consumption of water from, or connection to, a municipal pipeline that has not been provided to the debtor by the Council.
- c) Any damage to, or adjustment of, any metering instruments which may result in inaccurate data being obtained by the Council or which may lead to a reduced charge being payable by the debtor.
- d) Any removal of any metering instrumentation by any person other than a municipal officer or authorised agent.
- e) Any tampering with, or wistful or malicious damage to, any component or any reticulation or metering system as installed by the Council.

- 5.2 In any of the abovementioned cases the following action will be taken by the Council:

- a) Supply of the service in question will be suspended.
- b) Penalties as follows will be levied

◆	1 st Offence	- R 865.00
◆	2 nd Offence	- R1500.00

-
- ◆ 3rd and Subsequent Offences - permanent removal of the service and blacklisting of debtor
 - ◆ The debtor will be liable for the applicable reconnection fee and be charged for the service based on deemed or calculated consumption at the relevant tariff.
 - ◆ Any person who is found guilty of such tampering and/or illegal reconnection shall be liable to a fine of R1500-00.
-

No. 4

LUKHANJI MUNICIPALITY

A. PARKING-METER AND PARKING-GROUND BY-LAWS

Notice is hereby given in terms of section 12(3) of the Local Government Municipal Systems Act, 32 of 2000, that the Lukhanji Municipality has resolved to approve new Parking-Meter and Parking-Ground By-Laws and to revoke the Parking Meter By-laws promulgated under Administrator's Notice No 287 on 20 March 1968 and the Parking Ground By-Laws published under Administrator's Notice 91 of 31 January, 1979 in to.

PART IDEFINITIONS

1. For the purpose of these by-laws, unless the context otherwise indicates -

"Council" means the Lukhanji Municipality and includes the management committee of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960);

"demarcated parking place" means a demarcated parking place as contemplated in the National Road Traffic Act, 1996, in conjunction wherewith a parking-meter device exists;

"parking ground" means any area of land set aside by the Council, or any area controlled by, or of which the Council has gained control, as a parking ground for the parking of vehicles therein by members of the public, whether or not charges are prescribed by these by-laws for use thereof;

"parking-meter attendant" means a person possessing a valid appointment card, employed by a service provider who for or on behalf of the Municipality or the Service provider collects parking fees under a contract with the Municipality or service provider;

"parking-meter" means a device for the registration, recording and display of the passage of the parking time period, including the display thereof in a mechanical or electronic format on a display panel and/or indicator and which is operated by a parking-meter attendant;

"parking period" means that period of time of parking in a demarcated parking place which is determined by a parking-meter device upon insertion into it of the registration number of a vehicle.

"service provider" means a person or legally constituted entity who for, or on behalf of the Municipality, collects parking fees under a contract with the Municipality;

"traffic officer" means a traffic officer appointed in terms of section 3 (1) (c) of the Road Traffic Act 1989 and includes a member of the South African Police Service and a traffic warden;

"vehicle" means a vehicle as defined in the National Road Traffic Act, 1996,

and any other word or expression has the meaning assigned thereto in the National Road Traffic Act, 1996.

PART II**CONTROL OF PARKING WITHIN DEMARCATED PARKING PLACES.**

- 2 (1) It shall be unlawful to park any vehicle in any demarcated parking place without at the same time inserting and submitting, or having the vehicles registration number inserted and submitted by the parking-meter attendant: Provided that the obligation to make payment as prescribed in subsection (3) shall apply only during such hours as the Council may by resolution determine.
- (2) Each parking-meter shall -
- (a) clearly indicate the time taken for parking in such demarcated parking place (hereinafter referred to as the parking period),
 - (b) clearly indicate the outstanding monetary value to be paid in respect of parking for the said period.
 - (c) be fitted with an easily visible device (hereinafter referred to as an indicator) which shall clearly indicate the motor vehicle registration number and the bay number where the vehicle is parked.
 - (d) When the "payment submitted" key or "refused" key is pressed, either by the parking-meter attendant or the motorist, a corresponding message of confirmation that the specific key has been activated, shall be clearly indicated.
- 3 No person shall park any vehicle, or cause any vehicle to be parked, in any demarcated parking place, unless at the completion of the parking period and before such vehicle leaves such demarcated parking bay he or she pays to the parking-meter attendant to whom such parking bay has been allocated, an amount equal to the amount indicated on the parking-meter device adjacent to such vehicle's registration number.
- The duty to effect payment of the fees accrued to the vehicle in respect of parking, rest with the driver of such vehicle, such payment shall be made in South African coinage.
- It is also lawful to effect such payment by means of an electronic transfer should the parking-meter device be able to accept such payment.
- 4 The payment for parking as contemplated in subsection 3 shall however, not entitle any person to contravene any road traffic sign prohibiting the parking of:
- (a) vehicles between specified hours;
 - (b) specific categories of vehicles;
 - (c) vehicles for periods in excess of specified time periods; and
 - (d) any vehicle, where the parking and/or stopping of such vehicle contravenes any provision as determined by the National Road Traffic Act, 1996, relating to the parking and/or stopping of a vehicle.
- 5 The period during which a vehicle may be parked in any demarcated parking place and the amount payable in respect of that period to the parking attendant allocated to such place, shall be such as the Council may from time to time by resolution prescribe, in terms of section 80A of the National Road Traffic Act, 1996.

6 It shall be unlawful –

- (a) to park any vehicle, not being a vehicle as defined in section 1, in a demarcated parking place;
- (b) to offer any money other than South African currency in lieu of payment of parking fees;
- (c) to offer to a parking-meter attendant any false or counterfeit money or any foreign object, including bribes of money or bribes in any other form;
- (d) in any way whatsoever to cause or attempt to cause a parking-meter to record the passage of time incorrectly;
- (e) to jerk, knock, shake, damage or in any way interfere with a parking-meter which is not in proper working order, in order to make it do so, or for any other purpose;
- (f) to deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purposes of these by-laws;
- (g) to remove or attempt to remove the mechanism or any other part of a parking-meter or to attempt to physically interfere with the working of said parking-meter, or by word or deed hinder the parking-meter attendant in his duty; and
- (h) to fail to key in a vehicle's details into the parking-meter by means of the correctly displayed motor vehicle registration number and specific bay number that the vehicle occupies, directly upon arrival of that specific vehicle.

7 (1) No driver or person in charge of a vehicle, shall park such vehicle or cause it to be parked–

- (a) in a demarcated parking place across any painted line marking the confines of the parking place or in such a position that the said vehicle shall not be entirely within the area demarcated;
- (b) in a demarcated parking place which is already occupied by another vehicle.
- (c) In an area demarcated for commercial loading purposes.

(2) The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking place –

- (a) If the demarcated parking place is parallel to the curb or sidewalk of the public road in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left-hand wheels of the vehicle are substantially parallel to and within 450mm of the left-hand curb: provided that where in a one-way street such demarcated parking place is in existence on the right-hand side of the road of a vehicle in such demarcated parking place, apply to the right-hand wheels and the right-hand curb respectively;
- (b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road in such manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

8 Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first-mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.

The Chief Traffic Officer may, whenever he deems it necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign or signs indicating that there shall be no parking at any demarcated parking place or places, and it shall be

unlawful for any person to park or cause or permit to be parked a vehicle in such demarcated parking place or places while such sign is so displayed.

10. (1) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle of which he is the driver or which is under his control to be parked in any demarcated parking place, except as permitted by the provisions of these by-laws.
- (2) Where any vehicle is found to have been parked in contravention of these by-laws, it shall be deemed to have been caused, allowed, permitted or suffered to have been so parked by the person in whose name such vehicle is registered in terms of the Road Traffic Act, 1996, unless and until he shall have proved the contrary.
- 11 Notwithstanding anything contained in these by-laws:
- (a) the driver of a fire-fighting vehicle;
 - (b) the driver of a rescue vehicle;
 - (c) the driver of an ambulance;
 - (d) a traffic officer;
 - (e) the driver of a vehicle engaged in Disaster Management; and
 - (f) the driver of a vehicle engaged in essential services,
 - (g) a driver of a vehicle that is the property of the Council or a vehicle used by an official or member of the Council in his official capacity, provided that the official badge, designed and approved of by the Council, is displayed in a prominent place and in accordance with paragraph 24(3)
- who drives such vehicle in the performance of his or her duties, whilst parking in a demarcated parking place, shall be exempt from payment of the prescribed fees.
- 12 The passage of time as recorded by a parking-meter shall for the purposes of these by-laws and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary be proved, and the burden of so proving to the contrary shall be on the person alleging that the parking-meter has recorded such passage of time inaccurately.
- 13 A duly appointed service provider shall supply the Municipality, within seven working days from the beginning of each month, with a report dealing with the number of vehicles, which during the previous month:
- (i) parked within each and every block under the jurisdiction of the service provider, each block's figures to be supplied separately from one another; and
 - (ii) the number of parking-meter attendants within each and every block under the jurisdiction of the service provider, each block's figures to be supplied separately from one another.
14. Whenever a vehicle is parked in contravention of any provision of these by-laws it shall be presumed, until the contrary be proved, that it was so parked by the person registered as its owner in terms of the National Road Traffic Act, 1996.

PART III

CONTROL OF PARKING WITHIN PARKING GROUNDS

Place of Parking.

15. Where demarcated spaces are marked on a parking ground no person shall park a vehicle or cause or permit it to be parked or to remain in such parking ground unless it is parked in such a manner in a demarcated space that it will not obstruct the access or exit of another vehicle in or on an adjacent parking space.

Closure of Parking Grounds.

16. (1) Notwithstanding anything to the contrary in these by-laws contained, the Council may at any time close any parking ground or portion thereof temporarily or permanently and shall indicate the fact and the period of such closure by notice displayed at the entrances to the ground closed or at the portion closed, as the case may be.
- (2) No person shall introduce a vehicle into or park or cause or permit a vehicle to be parked or to remain in any parking ground or portion of a parking ground while it is closed in terms of subsection (1).

Defective Vehicles.

17. No person shall park or cause or permit any vehicle to be parked or to be or remain in any parking ground which is out of order for any reason incapable of movement: Provided that no offence against this by-law shall be deemed to have been committed in respect of any vehicle which, after having been parked in a parking ground, develops a mechanical defect which immobilizes it if the person in control of the vehicle proves that he took reasonable steps to have the vehicle repaired or removed as soon as possible.

Behavior in Parking Ground.

18. (1) No person shall in any parking ground —
- (a) park or cause or permit to be parked or cause to be or remain, any vehicle other than a vehicle as defined in section 1;
 - (b) when called upon by a traffic officer to do so, fail or refuse to furnish him with his full and correct name and address;
 - (c) use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;
 - (d) clean, wash or, save in an emergency, work on or effect repairs to any vehicle or any part thereof;
 - (e) drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
 - (f) drive any vehicle at more than 15 km/h;
 - (g) park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given him by a traffic officer or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom appointed for that purpose;
 - (h) so park or load a vehicle or allow anything to be on it that it obstructs other vehicles or persons or impedes their movement or is likely to do so;
- without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its

- (j) machinery or any other part of it or with its fittings, accessories or contents; remove, obscure, deface, damage or interfere with any notice, sign or making erected or made by the Council or any other property belonging to it;
 - (k) do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;
 - (l) subject to the provisions of section 4, so park any vehicle that any part of it lies across or straddles any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a demarcated space;
- (2) A sign which the Council displays in a parking ground and which conforms to a road traffic sign promulgated in terms of the National Road Traffic Act, 1998, shall for the purpose of these by-laws bear the same significance as is given to that sign by that act and regulations thereof.

Damage to Vehicles.

19. The Council shall not be liable for the loss of any vehicle or for its unlawful removal, from the parking ground, or for damage to any vehicle or its fittings, accessories or contents while in a parking ground or for such damage even if it is the consequence of it being moved in terms of section 20 or 21.

Obstruction.

20. If a vehicle has been parked in such a position that in the opinion of traffic officer it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, he may move it or cause to be moved to another part of the ground.

Abandoned Vehicles.

21. Any vehicle which has been parked in the same place on a parking area for a continuous period of seven days or longer without being removed by the owner or his representative, shall be deemed to be an abandoned vehicle in terms of Regulation 320 of the National Road Traffic Regulations of 1998, and the vehicle shall be dealt with in accordance with the procedure prescribed in Regulation 320 of the said Regulations. The Council shall be indemnified accordingly.

Refusal of Admission.

22. (1) It shall be in the discretion of a traffic officer to refuse to admit to a parking ground a vehicle which with or without any load is by reason of its length, width, height or weight likely to cause damage to persons or property or to cause an obstruction or undue inconvenience within said parking ground.
- (2) Any person in control of a vehicle who, having been refused admission in terms of subsection (1), proceeds to drive it into a parking ground, shall be guilty of an offence.
23. (1) Subject to the conditions of Section 17, it is illegal to park a vehicle in a demarcated space on or in a parking-meter parking ground without making a payment at the same time as prescribed in these by-laws: Provided that the obligation to make such a payment is only applicable on the days and times as advertised.

PART IV*Annually Issued Parking Discs*

24. (1) Notwithstanding anything to the contrary contained in these by-laws, the Council may, subject to Section 80 of the National Road Traffic Act, 1996, in respect of any demarcated parking place within a parking ground, annually issue on payment of an amount as determined by the relevant authorities, a parking disc entitling the holder thereof, to park a specified vehicle in any parking ground under the control of the Council, if space therein is available, for the period indicated on the parking disc. Such parking disc shall not be transferable.
- (2) The Council may annually issue to any of its officers, a parking disc enabling the holder, when using a vehicle on the business of the Council, to park such vehicle free of charge within the confines of any parking ground under the control of the Council, if space therein is available, for the period indicated on the parking disc. Such parking disc shall not be transferable.
- (3) A parking disc issued in terms of subsection (1) or (2) shall be affixed by the holder thereof to the windscreen of the vehicle in respect of which it is issued, in such manner and place that its written or printed context is readily legible from the outside of such vehicle, and the parking disc readily visible to a person standing in front or to the left in front of such vehicle.

PART V**TARIFFS**

25. (1) Parking fees shall be payable by a person parking any vehicle or causing any vehicle to be parked in any demarcated parking place.
- (2) The Lukhanji Municipality has the right to determine parking tariffs from time to time by means of Council Resolution.

PART VI**PROHIBITIONS**

No person shall within the area of the local municipality operate as car guard formal or informal except where such person is :
registered by a committee that consist of the following parties; safety and security dept,
CPF and it's approved service provider as such,
Registered and trained according to PSIRA standards (act 56 of 2001)

PART VII**OFFENCES**

27. Any person who contravenes or cause or permits a contravention of any provision of these by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding R750 or, in default of payment, imprisonment for a period not exceeding six months.

B. REVOCATION OF THE PARKING METER BY-LAWS PROMULGATED UNDER ADMINISTRATOR'S NOTICE NO 287 ON 20 MARCH 1968 AND THE PARKING GROUND BY-LAWS PUBLISHED UNDER ADMINISTRATOR'S NOTICE 91 OF 31 JANUARY 1979.

Any person who wishes to object against the proposed adoption of the new Parking Meter and Parking Ground By-laws and who desires to comment on same, must do so in writing to the undersigned within (fourteen) 14 days after the date of publication of this notice to the Municipal Manager,

Lukhanji Municipality, Cathcart road, Queenstown or P/Bag, X7111, Queenstown.
