



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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24 September 2021  
24 September 2021

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



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 62 OF 2021**

NOTICE OF APPLICATION FOR AMENDMENT OF THE DELMAS TOWN PLANNING SCHEME, 2007 AND IN TERMS OF CHAPTER 5 AND 6 OF THE VICTOR KHANYE LOCAL MUNICIPAL SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

**DELMAS AMENDMENT SCHEME 196/2007**

I, Laurette Swarts Pr. Pln. (ID no. 8312140079089) of Korsman & Associates being the authorised agent of the owner of the Remainder of Portion 2, Portion 5 (a portion of Portion 2), Portion 33 (a portion of Portion 2), Portion 34 (a portion of Portion 2), Portion 35 (a portion of Portion 2), Portion 36 (a portion of Portion 2), the Remainder of Portion 1, the Remainder of Portion 10 (a portion of Portion 1), the Remainder of Portion 11 (a portion of Portion 1), the Remainder of Portion 12 (a portion of Portion 18), the Remainder of Portion 15, the Remainder of Portion 16, the Remainder of Portion 17 (a portion of Portion 10) and the Remainder of Portion 18 (a portion of Portion 9) of the farm Klipfontein 568, Registration division J.R., Mpumalanga and Portion 4 of the farm Van Dyksput 214, Registration Division I.R., Province of Mpumalanga hereby give notice in terms of Chapter 5 & 6 of the Victor Khanye Local Municipal Spatial Planning and Land Use Management By-law, 2016 read together with SPLUMA, 2013, that I have applied to the Victor Khanye Local Municipality for the amendment of the town planning scheme known as the Delmas Town Planning Scheme, 2007 by the subdivision and rezoning of the properties described above, situated south of the N12 and west of the Kendal Forest Holdings from "Agriculture" to "Mining Purposes". Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, corner of Van Der Walt Street and Samuel Road, Delmas for a period of 30 days from **17 September 2021 to 18 October 2021**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 6, Delmas, 2210 within a period of 30 days from **17 September 2021 to 18 October 2021**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 293, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email [admin@korsman.co.za](mailto:admin@korsman.co.za)  
Our ref: R19267-advGazette

17-24

**ALGEMENE KENNISGEWING 62 VAN 2021**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE DELMAS DORPSBEPLANNINGSKEMA, 2007 EN INGEVOLGE HOVANSTUK 5 EN 6 VAN DIE VICTOR KHANYE PLAASLIKE MUNISIPALE RUIMETLIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

**DELMAS WYSIGINGSKEMA 196/2007**

Ek, Laurette Swarts Pr. Pln (ID nr. 8312140079089) van Korsman & Vennote synde die gemagtigde agent van die eienaars van die Restant Gedeelte 2, Gedeelte 5 ('n gedeelte van Gedeelte 2), Gedeelte 33 ('n gedeelte van Gedeelte 2), Gedeelte 34 ('n gedeelte van Gedeelte 2), Gedeelte 35 ('n gedeelte van Gedeelte 2), Gedeelte 36 ('n gedeelte van Gedeelte 2), die Restant van Gedeelte 1, die Restant van Gedeelte 10 ('n gedeelte van Gedeelte 1), die Restant van Gedeelte 11 ('n gedeelte van Gedeelte 1), die Restant van Gedeelte 12 ('n gedeelte van Gedeelte 18), die Restant van Gedeelte 15, die Restant van Gedeelte 16, die Restant van Gedeelte 17 ('n gedeelte van Gedeelte 10) en die Restant van Gedeelte 18 ('n gedeelte van Gedeelte 9) van die plaas Klipfontein 568, Registrasie Afdeling J.R., Mpumalanga en Gedeelte 4 van die plaas Van Dyksput 214, Registrasie Afdeling I.R., Mpumalanga gee hiermee ingevolge Hoofstuk 5 & 6 van die Victor Khanye Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Victor Khanye Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Delmas Dorpsbeplanningskema 2007 deur die onderverdeling and herosnering van die eiendom hierbo beskryf, geleë suid van die N12 en wes van Kendal Landbou Hoewes, vanaf "Landbou" na "Mynboudoeleindes". Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner, hoek van Van Der Waltstraat en Samuelweg vir 'n tydperk van 30 dae vanaf **17 September 2021 tot 18 Oktober 2021**. Besware teen van vertoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **17 September 2021 tot 18 Oktober 2021** skriftelik tot die munisipale Bestuurder by bovermelde adres van by Posbus 6, Delmas, 2210 ingedien van gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7260, Suite 293, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos [admin@korsman.co.za](mailto:admin@korsman.co.za)

Ons verwysing: R19267-advGazette

17-24

**PROCLAMATIONS • PROKLAMASIES**  
**PROCLAMATION NOTICE 67 OF 2021**  
**DR JS MOROKA LOCAL MUNICIPALITY**  
**NOTICE OF APPROVAL OF AMENDMENT SCHEME C0034 IN TERMS OF**  
**SECTIONS 66 OF THE DR JS MOROKA LOCAL MUNICIPALITY SPLUM BY-LAW,**  
**2015.**

**ERF 797 OF SIYABUSWA – A**

*The Local Municipality of Dr JS Moroka declares hereby that: -*

1. In terms of Section 66 of the Dr JS Moroka Local Municipality SPLUM By-Law, 2015, that it has approved an Amendment Scheme, being an amendment of the Dr JS Moroka Local Municipality Land Use Management Scheme, by the rezoning of Erf 797 of Siyabuswa - A from "Residential Low Density" to "Business 2".
2. Map 2A and the Scheme Clauses of the Amendment Scheme are filed with the Municipal Manager and are open for inspection at all reasonable times. This Amendment is known as Amendment Scheme No. C0034 of the Dr JS Moroka Land Use Management Scheme, 2010, and shall come into operation on the date of publication of this notice.

Mr BM Mhlanga  
**MUNICIPAL MANAGER**

Date: 24 September 2021

Municipal Headquarters  
A2601/3 Bongimfundo Street  
Siyabuswa  
0472

## PROCLAMATION NOTICE 68 OF 2021



## CITY OF MBOMBELA

BYLAW RELATING TO MUNICIPAL ROADS AND STREETS  
INFRASTRUCTURE

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996, read with Section 12 and 13 of the Municipal Systems Act 2000, the City of Mbombela, enacts as follows:-

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## CHAPTER 1: DEFINITIONS, PURPOSE AND OBJECTIVES

### 1. Definitions

In this Bylaw, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates, words or expressions will have the following meaning:–

**Animals:** any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches, domestic indigenous mammals and other wild animals;

**Licensee:** a person issued with a licence in terms of the Electronic Communications Act (Act 36 of 2005) to provide electronic communication services;

**Municipality:** the City of Mbombela Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, Municipality or, duly authorised agent thereof or any employee thereof acting in connection with this Bylaw by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, Municipality or, agent or employee;

**Municipal area:** the area of jurisdiction of City of Mbombela Local Municipality determined in terms of the Municipal Demarcation Act, 1998;

**Municipal Manager:** a person appointed in terms of Section 54A of Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended.

**Public place:** any square, building, park, recreation ground or open space which:–

- (1) is vested in the Municipality;
- (2) the public has the right to use; or
- (3) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

**Public road:** 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,

**SANS:** South African National Standards

**Sidewalk:** an accessible area included in the verge of a street which area is intended for the use of pedestrians;

**Site Development Plan (SDP):** a plan that shows the proposed development of a property and any salient natural features thereof in accordance with the guidelines contained in the City of Mbombela Land Use Management Scheme, 2019;

**Street:** any street, road, cycle path, thoroughfare or any other place, owned by the Municipality or subject to the jurisdiction of the Municipality, including:

- (1) the verge of any such road, street or thoroughfare
- (2) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (3) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (4) any other element forming part of such road, street or thoroughfare, which has at any time been:
  - (a) dedicated to the public;
  - (b) used without interruption by the public for a period of at least thirty years;
  - (c) declared or rendered such by the Municipality or other competent authority, or
  - (d) constructed by the Municipality, and
  - (e) any land, with or without buildings or structures thereon, which is shown as a street on:
    - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon, or
    - (ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office;

unless such land is on such plan or diagram described as a private street;

**Vehicle:** a device designed or adapted mainly to travel on wheels, tyres or crawler tracks whether motorized or not and includes:

- (1) a trailer;
- (2) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include:
  - (a) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
  - (b) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;
- (3) such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

**Verge:** that portion of a road reserve between the outer boundary of the roadway and the cadastral boundary lines of adjacent properties.

**Way leave:** a formal approval to carry out work in the road reserve.

**Way leave conditions:** conditions and requirements included in the formal approval of a way leave, which conditions and requirements the way leave holder must comply with.

**Way leave holder:** a person to whom a way leave has been issued.

**Work:** work of any nature whatsoever undertaken on any land under the jurisdiction of the City of Mbombela and, not in any way limiting the ordinary meaning of the word, includes the erection of new building or alterations or additions to any existing building, excavations, the building of bridges and crossings over sidewalks, the laying of cables and pipes, the dumping of building or other material anywhere in a street or delivery to or removal from any site of any soil or material of any nature whatsoever.

## 2. Purpose and objectives

The City of Mbombela Local Municipality, acting under the Constitution, the Municipal Systems Act No 32 of 2000 and The National Road Traffic Act No 93 of 1996 with regulations and being aware of its duty to control the use of public roads, streets and sidewalks and to manage the construction of any work undertaken on roads, streets and sidewalks so as to provide a safe environment for all people within the municipal area, adopts this Bylaw to provide mechanisms and guidelines for such control and management.

## CHAPTER 2: GENERAL PROVISIONS RELATING TO ROADS AND STREETS

### 3. Streets, sidewalks and verges

No person may:

- (1) Conduct any construction work in a road reserve, excavate or alter a street, sidewalk, verge or any element forming part of the street: –
  - (a) Without the written permission and directives of the Municipality or
  - (b) without an approved way leave;
- (2) Barricade a street or sidewalk or erect a post or any other object in a street except with the written permission of the Municipality;
- (3) In any way, including the placement of rocks, the planting of trees, shrubs or other plants, render a sidewalk unsafe or inaccessible to pedestrians;

- (4) Utilize a sidewalk for vehicle parking or to access vehicle parking across a sidewalk unless such access is provided by means of a dedicated and approved access in accordance with an approved site development plan.

**4. Obstruction and protection of public roads.**

- (1) No person may place or offload on a public road any material that is likely to cause damage to the road or other municipal infrastructure;
- (2) Any objects, material or substance spilled or dropped on a public road that may cause annoyance, danger or accident to any person or traffic using the public road, must be removed immediately by the person responsible for spilling or dropping the objects, material or substance;
- (3) If the material or substance referred to in (2) has not been removed as required, the Municipality may remove such material or substance and recover the cost from the person or owner of the vehicle responsible for spilling or dropping the objects, material or substance;
- (4) No person may repair, wash or paint a vehicle, article or object on a public road except for repair of a vehicle in the case of an emergency breakdown.

**5. Paving on sidewalks**

**(1) General**

If a property is developed or upgraded and a building plan has been submitted to the Municipality for approval, the following general requirements will apply:-

- (a) A pavement layout must be submitted as part of the site development plan;
- (b) Only SANS approved concrete brick paving will be allowed on sidewalks, according to the following specifications:
  - (i) Maximum slope from stand to kerb will be 3%;
  - (ii) If (i) above is not possible, proposal must be submitted to the Municipality for approval;
  - (iii) No municipal services may be altered or exposed without specific written approval of the relevant service department and any related cost will be for the account of the developer;
  - (iv) Maximum slope of paving in direction of a road may not exceed the existing gradient of the road;
  - (v) Paving to be done in compliance with the principles and requirements for universal accessibility.

**(2) Business, Commercial, Special and Educational Developments**

- (a) A paved walkway of minimum 1,5 meter wide must be provided on all sidewalks adjacent to new developments;
- (b) The position of the walkway will be determined by practical conditions on site;
- (c) If high pedestrian traffic is expected at a development such as supermarkets, the full width of all adjacent sidewalks must be paved.

**(3) Industrial Areas**

- (a) Provided that parking on a sidewalk is allowed by the Municipality in accordance with an approved site development plan, such parking must be paved and a safe and dedicated paved walkway must be provided for pedestrians;
- (b) If no parking is allowed on sidewalks, a paved walkway must be provided and remaining areas must be landscaped and maintained by the property owner;

- (c) If no parking is allowed on sidewalks, measures approved by the Municipality must be implemented by the owner to prevent parking on sidewalks.
- (4) Shopping Centres**  
A landscape plan must be submitted for approval with the main objectives of:
  - (a) Creating a safe and accessible area for pedestrians;
  - (b) Establishing sidewalks that require minimum maintenance.
- (5) Residential Areas**  
No paving is required but no obstructions, plants, trees, etc. may be placed, erected or planted on a sidewalk which can inhibit the safe movement of pedestrians or the sight distance of motorists.

### **CHAPTER 3: WORK ON STREETS, PUBLIC ROADS AND SIDEWALKS AND WATER DISCHARGED ONTO ROADS AND STREETS**

#### **6. Work in public roads or streets**

- (1) No person may undertake work in any public road or on property belonging to the Municipality without the prior submission of a written way leave application and subsequent way leave approval having been obtained.
- (2) A person undertaking work in a public road will ensure compliance with the way leave conditions as well as all applicable legislation, including safety legislation and will be responsible and liable for any claims resulting from such work.

#### **7. Norms, standards, guidelines and procedures**

- (1) The Municipality may determine and publish norms, standards, guidelines and procedure which describe appropriate measures for work in public roads or streets, and such norms, standards and guidelines must be kept in the form of an operational manual.
- (2) The norms, standards, guidelines and procedures contemplated in clause (1) may differentiate between communities, geographical areas and different kinds of premises.

#### **8. Discharge of water on public road**

- (1) No person may, without prior written permission of the Municipality:
  - (a) lead or discharge water other than stormwater on, over or across a public road or
  - (b) by any means whatsoever, raise the level of water in a river, dam or watercourse so as to cause interference with or endanger a public road.
- (2) A person who wishes to perform an action as contemplated in item (1) above, must submit to the Municipality an application which contains full technical details of the proposed action, and the Municipality may refuse or grant permission and:
  - (a) should the Municipality refuse permission, it must supply the person with written reasons for the refusal; or
  - (b) should the Municipality grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.

#### **9. Overflow of water into public roads and streets**

- (1) No person may cause or allow any water other than stormwater to flow into a public road or street.

- (2) If damages are caused by overflow water all repair costs must be borne by the person or organisation that caused the overflow.

#### CHAPTER 4: INSTALLATION OF ELECTRONIC COMMUNICATION FACILITIES

##### 10. Works on or under public roads

It is the constitutional obligation and right of the Municipality to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions, therefore:

- (1) No licensee may perform work on the road reserve including entering upon and breaking or opening up any public road to:
- (a) install, construct, maintain, alter or remove any electronic communications facilities or pipes, tunnels, trenches or tubes required for electronic communications facilities or electronic communication networks, under the road reserve;
  - (b) alter the position of any electric cable, sewer drain or pipe for the supply of water or gas, for the purpose of installing, constructing, maintaining, altering or removing any electronic communications facilities or pipes, tunnels, trenches or tubes required for electronic communications facilities for Electronic Communication Network (ECN), under the road reserve;
- without first giving notice to the Municipality, in accordance with the provisions of the Electronic Communications Act 36 of 2005 and these Bylaws, of the works to be performed.
- (2) The notice referred to in clause 10(1) must be received by the Municipality no less than thirty (30) days prior to the commencement of the works to be performed.
- (3) The notice referred to in clause 10(1) must be accompanied by an official way leave application and must include the following information:
- (a) a copy of the individual or class licence held by the licensee or proof of licence exemption obtained in terms of Section 6(1) of the Electronic Communications Act 36 of 2005, as the case may be;
  - (b) an area plan;
  - (c) an indication of the number of days to be taken to perform the works referred to in Clause (1)(a) or (b) and any works required to be undertaken by the licensee to restore the public road;
  - (d) the times of the day during which the works referred to in clause 10(1)(a) or (b) and any works required to be undertaken by the licensee to restore the public road, as the case may be, will be performed;
  - (e) the commencement date of the works referred to in clause 10(1)(a) or (b);
  - (f) confirmation that the notice referred to in clause 12 has been given to any other service providers and details of such service providers;
- (4) The Municipality shall, within thirty (30) days of receipt of the notice referred to in Clause 10(1), in writing acknowledge receipt of that notice by means of comments or approved wayleave.
- (5) The Municipality may, where any of the requirements of clause 10(3) have not been complied with or the information provided by the licensee is deficient, in the acknowledgement of receipt referred to in clause 10(4), direct the licensee to comply with those requirements or provide any additional information to the Municipality within the time specified in such acknowledgement.
- (6) In the circumstances contemplated in clause 10(5), the licensee will be regarded as having submitted the notice provided for in clause 10(1) on the date on which the licensee complies adequately to the Municipality's directive.

**11. Area Plan**

The area plan to be submitted must:

- (1) indicate the area on which the work is to be performed by the licensee;
- (2) be prepared to a minimum scale of 1:500;
- (3) depict:
  - (a) North arrow;
  - (b) a block plan with stand numbers, street names and house numbers, where applicable;
  - (c) the work to be performed by the licensee;
  - (d) the position of and depth below or height above the surface of the ground of any electronic communications facility or pipe, tunnel, trench or tube required for an electronic communications facility that has been installed or constructed or is to be installed or constructed;
  - (e) the distance of the licensee's electronic communications facility or facilities from the public road reserve or property boundary;
  - (f) the position and extent of all structures, including underground structures such as, but not limited to, manholes, chamber and junction boxes;
  - (g) the location of all existing municipal services infrastructure and facilities of all other external service providers.
  - (h) no overhead services will be allowed for new electronic communications network installations in formal proclaimed townships.

**12. Notification of the public and service providers**

- (1) A licensee must, at the same time as giving notice to the Municipality of any works in the road reserve, to be performed by the licensee, give written notice to any service provider whose existing facilities appear on the area plan, of the works to be performed and to the owners and occupants of adjacent properties;
- (2) The Municipality may publish the material details of each notice submitted in terms of clause 10(1) on the official website in order to facilitate co-operation between licensees on the allocation and sharing of electronic communications facilities, as provided for in Chapter 8 of the Electronic Communications Act, and the pipes, tunnels, trenches and tubes required for electronic communications facilities.

**13. Occupation of and works on or under public roads**

- (1) Where any works in the road reserve are to be performed by a licensee:
  - (a) the licensee must comply with the requirements set out in the way leave conditions; and
  - (b) the licensee must comply with any specifications with regard to the height or depth at which facilities, including electronic communications facilities, must be installed as set out in the way leave conditions or published for this purpose by the Municipality, subject to any regulations published in terms of Section 28 of the Electronic Communications Act.
- (2) Where the licensee performs any works:
  - (a) The Municipality supports the principle for the provision of cable ducts for multiple electronic cables in order to limit disruption in road reserves;
  - (b) In accordance with the stipulations of Chapter 8 of the Electronic Communications Act, service providers must jointly install cable ducts for electronic cables and they must share costs and responsibilities of the ducts;

**14. Control and supervision of works**

- (1) A licensee must ensure that a copy of the notice submitted to the Municipality in terms of clause 12(1) above and the comments or approved wayleave referred to in clause 10(4), is available at the site where any works in the road reserve, including the restoration of the public road, are being performed, for inspection by the Municipality or law enforcement officials during those times of the day that works is being done.
- (2) A licensee must ensure that any works in the road reserve, including restoration in a public road which are performed by the licensee:
  - (a) are planned to be performed and are performed in the shortest possible time and in the manner calculated to cause the least possible disruption to other activities performed on the public road in question and, in particular, that in performing any work under a public road, any excavation is kept to a minimum;
  - (b) are performed, subject to clause 14(4), within the time specified in the notice submitted in terms of Clause 10(1) above.
- (3) Where the licensee is, for any reason beyond its control, unable to complete the works in the road reserve, including the restoration of the public road, within the time specified in the notice submitted in terms of Clause 10(1), the licensee must, as soon as it is apparent that the works will not be completed within that time, notify the Municipality of the delay and the reasons for the delay, and must in such notice indicate the number of additional days which will be required to complete the works.
- (4) A licensee may not, subsequent to commencing any works in the road reserve but before completion of such works, abandon the site at which the works are being performed and, where a licensee is unable, for any reason, to complete the works which were intended to be performed, as described in the notice submitted in terms of Clause 10(1) above, the licensee must restore the public road in accordance with Clause 15.

**15. Restoration of public roads**

- (1) Where a licensee performs any works in the road reserve, the road reserve upon, under, over, along or across which the works are performed, must be restored subsequent to the performance of the works and the licensee:
  - (a) is responsible for the costs of restoration;
  - (b) in the case of works provided for in Clause 10(1) above;
    - (i) must backfill the road reserve;
    - (ii) must, where the permanent reinstatement of the road reserve is to be performed by the Municipality, temporarily reinstate the road reserve; and
    - (iii) may, where permission is granted by the Municipality in accordance with item (10)(4) above, permanently reinstate the road reserve, In accordance with the specifications and guarantee periods set out in the way leave conditions;
  - (c) in the case of works provided for in Clause 10 above, must take all steps necessary to restore the public road; and
  - (d) must ensure that the public road or other municipal land is restored as soon as practicably possible after performing the works.

**CHAPTER 5: GENERAL POWERS OF THE MUNICIPALITY****16. Municipality may act and recover costs**

Notwithstanding any other provisions of this Bylaw, the Municipality may:

- (1) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
- (2) where any provision of this Bylaw is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice, at the cost of the offender.

**17. Closure of or restriction of access to streets or roads**

- (1) Access to a public street from a property must be located and constructed to the satisfaction of the Municipality, must conform to traffic safety requirements and must be approved by the Municipality by means of a building plan or site development plan.
- (2) The Municipality may permanently close or divert any street or part thereof or permanently close, alter or restrict access to any street where such access is deemed to be unsafe or to interfere with traffic flow on a public street.
- (3) When the Municipality decides to act in terms of item (2), it must give notice of such intention in terms of its communication policy; in the absence of such policy the Municipality may give notice of its intention in a local newspaper in at least two official languages.
- (4) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of item (3) for submission to the Municipality.

**18. Temporary closure of streets or roads**

- (1) The Municipality may, temporarily close a street:
  - (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
  - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street;
    - (i) if such street is, in the opinion of the Municipality, dangerous to traffic;
    - (ii) by reason of any emergency or public event which, in the opinion of the Municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds, or (iii) for any other reason which, in the opinion of the Municipality, renders the temporary closing of such street necessary, and
- (2) Temporarily divert a street which has been closed in terms of clause 18(1)(a).
- (3) The municipal manager may in his discretion, for general information, place a notice of temporary closure in a local newspaper.

**19. Declaration of roads and streets**

- (1) The Municipality may:
  - (a) declare any land or portion of land under its control to be a street;
  - (b) declare any private street or portion thereof to be a public street.
- (2) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification.

**CHAPTER 6: GENERAL MATTERS****20. Appeal**

A person whose rights are affected by a decision with regard to work or activities indicated in this Bylaw taken by a political structure; political office bearer; the Municipality or a staff member of the Municipality, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of Section 62 of the Local Government Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

**21. Exemption**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this Bylaw.
- (2) The Municipality may:
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of clause 21(1), the Municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under clause 21(2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

**22. Offences and Penalties**

Any person who contravenes or fails to comply with any provision of this Bylaw shall be guilty of an offence and liable upon conviction to:

- (a) a fine as annually approved by the Local Magistrate or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

**23. Repeal of Bylaws**

The provisions of any Bylaws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this Bylaw, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of Section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**24. Short title and commencement**

This Bylaw shall be known as the Bylaw relating to Roads and Streets and shall come into operation on the date of publication thereof in the Provincial Gazette.

**PROCLAMATION NOTICE 69 OF 2021**  
**THABA CHWEU LOCAL MUNICIPALITY**  
**NOTICE OF APPROVAL OF THE SUBDIVISION IN TERMS OF SECTION 71-, AMENDMENT**  
**SCHEME 27/2018 IN TERMS OF SECTION 66-, TOGETHER WITH THE CONSENT USE IN**  
**TERMS OF SECTION 80 OF THE THABA CHWEU LOCAL MUNICIPALITY SPLUM BY-LAW, 2016**

*The Local Municipality of Thaba Chweu hereby declares that:-*

1. In terms of Section 71 of the Thaba Chweu Local Municipality SPLUM By-law, 2016 has approved the subdivision of Erf 1772 of Lydenburg into two portions;
2. In terms of Section 66 of the Thaba Chweu Local Municipality SPLUM By-law, 2016 has approved an amendment scheme, being the amendment of the Thaba Chweu Local Municipality Land Use Scheme (2018), by the Rezoning of the Remainder of Erf 1772 from "Residential 2" to "Institutional";
3. In terms of Section 80 of the Thaba Chweu Local Municipality SPLUM By-law, 2016 has approved the Consent Use for an additional dwelling Unit (in addition to the three permitted dwelling units) on Portion 1 of Erf 1772 of Lydenburg.

The above-mentioned approvals will come into operation on the date of publication of this notice.

MS SPHIWE MATSI  
**MUNICIPAL MANAGER**

Municipal Headquarters  
Cnr Central and Viljoen Street  
Lydenburg, 1120

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 92 OF 2021****NOTICE FOR THE APPLICATION FOR REZONING OF PORTION 4 OF THE FARM RONDEBOSCH 403-JS WITHIN THE STEVE TSHWETE LOCAL MUNICIPALITY, DONE IN TERMS OF THE STEVE TSHWETE LOCAL MUNICIPALITY BY-LAW, 2016.**

I, **Fumani Mathebula** of **Ngoti Development Consultants** hereby give notice as provisioned in Section 20 of the Steve Tshwete Spatial Planning and Land Use Management By-Law 2016 that I intend to apply to the Steve Tshwete Local Municipality for amendment of the Steve Tshwete Land Use Scheme, 2019. The application is for the **rezoning of Portion 4 of the farm Rondebosch 403-JS**, situated in Middelburg, from **"Agricultural"** to **"Cemetery"** use zone. The rezoning will accommodate the use of the Eskom substation.

Particulars of this application will lie for inspection during normal office hours at the Town Planning Department, 14 Sadc Street, Middelburg, 1055 **for a period of 28 days from the 24<sup>th</sup> of September 2021**. Objections to or representation in respect to the application must be lodged with or made in writing and handed to the abovementioned offices and addressed to the Municipal Manager of the Steve Tshwete Local Municipality.

**Details of Authorised Agent:****Ngoti Development Consultants**

**Address:** Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria

**Contact Person:** K Mudau

**Telephone No.** 012 770 4022 or 082 093 5347

**E-mail:** [mudau@ngoti.co.za](mailto:mudau@ngoti.co.za)

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**ISAZISO SOKUFAKA ISICELO SOKUHLAZIYWA KWEZIMBALI KWESIQEPHU 4 SEFAMA RONDEBOSCH 403-JS NGAPHAKATHI KOMASIPALA WESIKHATHI SESITEVE TSHWETE, OKWENZIWE NGOKOMTHETHO KAMASIPALA WESITWE TSHWETE, 2016.**

**Mina, Fumani Mathebula weNgoti Development Consultants** ngalokhu ngenza isaziso njengoba kuhlinzekwe eSigabeni 20 seSteve Tshwete Spatial Planning and Land Use Management By-Law 2016, ukuthi ngihlose ukufaka isicelo kuMasipala Wendawo yaseSteve Tshwete ukuze kuchitshiyelwe iSteve Tshwete Land Use Isikimu, 2019. Isicelo **esokushintshwa kukhethwe kabusha kweSiqephu 4 sepulazi i-Rondebosch 403-JS**, esiseMiddelburg, sisuselwa endaweni yokusetshenziswa kwe- **"Agricultural"** kuya ku- **"Cemetery"**. Ukucwaswa kabusha kuzongena ekusetshenzisweni kwesiteshi sika-Eskom.

Imininingwane yalesi sicelo izolalelwa ukuhlolwa ngezikhathi eziwayelekile zomsebenzi eMnyangweni Wezokuhlelwa Kwedolobha, ku-14 Sadc Street, Middelburg, 1055 isikhathi **esiyizinsuku ezingama-28 kusukela ngomhla ka-24 Septhemba 2021**. Ukuphikiswa noma ukumelwa maqondana nesicelo kumele kufakwe. enziwe noma ebhalwe phansi yanikelwa kula mahhovisi ashiwo ngenhla futhi yabhekiswa kuMphathi kaMasipala woMasipala Wendawo yaseSteve Tshwete.

**Imininingwane ye-Agent Authorised:**

**Ikheli:** Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria

**Imininingwano Yokuxhumana:** K Mudau

**Inombolo yocingo:** 012 770 4022 or 082 093 5347

**I-imeyili:** [mudau@ngoti.co.za](mailto:mudau@ngoti.co.za)

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**PROVINCIAL NOTICE 93 OF 2021****NOTICE FOR THE APPLICATION FOR REZONING OF PORTION 4 OF THE FARM ROCKDALE 442-JS WITHIN THE STEVE TSHWETE LOCAL MUNICIPALITY, DONE IN TERMS OF THE STEVE TSHWETE LOCAL MUNICIPALITY BY-LAW, 2016.**

I, **Fumani Mathebula** of **Ngoti Development Consultants** hereby give notice as provisioned in Section 20 of the Steve Tshwete Spatial Planning and Land Use Management By-Law 2016 that I intend to apply to the Steve Tshwete Local Municipality for amendment of the Steve Tshwete Land Use Scheme, 2019. The application is for the **rezoning of Portion 9 of the farm Rockdale 442-JS**, situated in Middelburg, from **"Agricultural" to "Industrial 4"** use zone. The rezoning will accommodate the use of the Eskom substation.

Particulars of this application will lie for inspection during normal office hours at the Town Planning Department, 14 Sadc Street, Middelburg, 1055 for a period of **28 days from the 24<sup>th</sup> of September 2021**. Objections to or representation in respect to the application must be lodged with or made in writing and handed to the abovementioned offices and addressed to the Municipal Manager of the Steve Tshwete Local Municipality.

**Details of Authorized Agent:****Ngoti Development Consultants****Address:** Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria**Contact Person:** K Mudau**Telephone No.** 012 770 4022 or 082 093 5347**E-mail:** [mudau@ngoti.co.za](mailto:mudau@ngoti.co.za)

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**ISAZISO SOKUFAKA ISICELO SOKUHLAZIYWA KWEZIMBALI KWESIQEPHU 4 SEFAMA ROCKDALE 442-JS  
NGAPHAKATHI KOMASIPALA WESIKHATHI SESITEVE TSHWETE, OKWENZIWE NGOKOMTHETHO KAMASIPALA  
WESITWE TSHWETE, 2016.**

**Mina, Fumani Mathebula weNgoti Development Consultants** ngalokhu ngenza isaziso njengoba kuhlinzekwe eSigabeni 20 seSteve Tshwete Spatial Planning and Land Use Management By-Law 2016, ukuthi ngihlose ukufaka isicelo kuMasipala Wendawo yaseSteve Tshwete ukuze kuchitshiyelwe iSteve Tshwete Land Use Isikimu, 2019. Isicelo **esokushintshwa kukhethwe kabusha kweSiqephu 9 sepulazi i-Rockdale 442-JS**, esiseMiddelburg, sisuselwa endaweni yokusetshenziswa kwe- **"Agricultural" kuya ku- "Industrial 4"**. Ukucwaswa kabusha kuzongena ekusetshenzisweni kwesiteshi sika-Eskom.

Imininingwane yalesi sicelo izolalelwa ukuhlolwa ngezikhathi eziwayelekile zomsebenzi eMnyangweni Wezokuhlelwa Kwedolobha, ku-14 Sadc Street, Middelburg, 1055 isikhathi **esiyizinsuku ezingama-28 kusukela ngomhla ka-24 Septhemba 2021**. Ukuphikiswa noma ukumelwa maqondana nesicelo kumele kufakwe. enziwe noma ebhalwe phansi yanikelwa kula mahhovisi ashiwo ngenhla futhi yabhekiswa kuMphathi kaMasipala woMasipala Wendawo yaseSteve Tshwete.

**Imininingwane ye-Agent Authorized:****Ngoti Development Consultants****Ikheli:** Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria**Imniningwano Yokuxhumana:** K Mudau**Inombolo yocingo:** 012 770 4022 or 082 093 5347**I-imeyili:** [mudau@ngoti.co.za](mailto:mudau@ngoti.co.za)

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

**LOCAL AUTHORITY NOTICE 101 OF 2021**



**MUNICIPAL PROPERTY  
RATES BY-LAW**

**THE EMALAHLENI LOCAL MUNICIPALITY**  
**PROPERTY RATES BY-LAW(s)**

(**Emalahleni Local Municipality**), hereby, in terms of section 6 of the Local Government Municipal Property Rates Act, 2004, has by way of resolution no. A.090/21 adopted the Municipality's Property Rates By-law set out hereunder.

**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 System Act read section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the 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 BE IT ENACTED** by the Council of the Emalahleni 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 (name of the municipality);

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

**'Rates Policy'** means the Emalahleni Local Municipality's property rates policy adopted by Council 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 Rates Policy as contemplated in section 6 of the Municipality Property Rates Act.

### **3. THE RATES POLICY**

- 3.1 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.
- 3.2 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.
- 3.3 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 the municipal website [www.emalahleni.gov.za](http://www.emalahleni.gov.za) and all municipal offices at Revenue Section

### **4. CATEGORIES OF RATEABLE PROPERTIES**

- 4.1 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**

- 5.1 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**

- 6.1 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**

- 7.1 This By-law is called the Emalahleni Local Municipality Property Rates By-law, and takes effect on the date on which it is published in the Provincial Gazette.

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO 6 OF 2004) MUNICIPAL NOTICE NO 1 OF 2021 22 JUNE 2021**

**EMALAHLENI LOCAL MUNICIPALITY**

**RESOLUTION ON LEVYING OF PROPERTY RATES FOR FINANCIAL YEAR 01 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of section 14(1) and (2) of Local Government: Municipal Property Rates Act, 2004; that Council in its meeting held on 27 May 2021 resolved by way of resolution number A090/21 to levy the rates reflected on the schedule below effective 01 July 2021.

<b>CATEGORY OF PROPERTY</b>	<b>CENT AMOUNT IN THE RAND RATE DETERMINED FOR THE RELEVANT PROPERTY CATEGORY</b>
Residential Property	0,012780
Farm only for residential purposes	0,006881
Business and Commercial Property	0,018678
Industrial Property	0,019661
Agricultural Property	0,001966
Mining	0,019661
Public Service Infrastructure	0,000000
Public Benefit Organisation	0,000000
Private Roads, Municipal & Worship	0,000000
Education Institutions	0.009831
Health Care Institutions	0.009831
State Owned Property	0,019661
Vacant Urban Land	0,019661

Full details of the council resolution and rebates, reduction and exclusion specific for 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.emalahleni.gov.za](http://www.emalahleni.gov.za)) and all the public libraries.

LOCAL AUTHORITY NOTICE 102 OF 2021

**LEKWA  
LOCAL MUNICIPALITY**



**CREDIT CONTROL & DEBT  
COLLECTION BY-LAW**

## PREAMBLE

- (1) In order to comply with and execute the provisions of sections 95, 96 and 97 of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereinafter referred to as “the Systems Act”), the LEKWA Local Municipality (hereinafter referred to as “the Municipality”) has adopted a Credit Control & Debt Collection Policy (also hereafter referred to as “the Policy”).
- (2) In terms of section 62(1)(f)(iii) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Manager of the Municipality, appointed in terms of section 54A of Systems Act must, in his capacity as the accounting officer of the Municipality, ensure that the Municipality has and implements a credit control and debt collection policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 98(1) of the Systems Act.
- (3) In terms of the provisions of section 98(1) of the Systems Act the Municipality must adopt a by-law in order to give effect to the implementation and enforcement of the policy.
- (4) Therefore this by-law is adopted in order to give effect to the implementation and enforcement of the policy and to provide for ancillary matters and procedures related to credit control and debt collection.

# THE LEKWA

## LOCAL MUNICIPALITY:

### CREDIT CONTROL & DEBT COLLECTION BY-LAW

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### 1. DEFINITIONS

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The words and expressions used in this by-law shall have the respective meanings assigned to them in the Credit Control & Debt Collection Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the Systems Act will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

### 2. THE CREDIT CONTROL & DEBT COLLECTION POLICY ADOPTED BY THE MUNICIPALITY

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This Municipality has prepared and adopted a policy, known as the Credit Control & Debt Collection Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 96(b) of the Systems Act. The policy comprehensively and is in detail to deal with and regulates the matters as prescribed in terms of the provisions of sections 97 and 98(2) of the Systems Act and therefore will not be repeated to this by-law or to be estate as it would be the repeat of same information.

Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 98(1) of the Systems Act.

The policy will be reviewed annually and approval is delegated to Council of Lekwa Local Municipality as Legislative Authority. Council with annual budget approve the reviewed budget policies in terms of section 21(1)(b)(ii)(bb) of Municipal Finance Management Act.

### **3. OBJECTIVE OF THE BY-LAW**

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The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 98(1) of the Systems Act.

### **4. TITLE AND APPLICATION OF THE BY-LAW**

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- (1) This by-law is known as the Credit Control & Debt Collection By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

### **5. RESPONSIBLE AUTHORITY**

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The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the Municipal Council of the Municipality.

### **6. COMMENCEMENT AND VALIDITY**

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This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

## **7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW**

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The Municipality shall enforce compliance with this by-law.

## **8. POWERS OF THE MUNICIPALITY IN TERMS OF THE SYSTEMS ACT OR THIS BY-LAW**

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- (1) Where the Municipality executes any actions or conducts functions in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the Systems Act or this by-law:
- (a) access any premises and/or execute work on and/or inspect any premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - (c) question a person whom the Municipality believes may have information relevant to the work or inspection;
  - (d) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
  - (e) copy any document referred to in sub-section (d) above, or if necessary remove the document in order to copy it;
  - (f) take samples of any substance that is relevant to the work or inspection;
  - (g) monitor and take readings or make measurements;
  - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
  - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;

- (j) remove or rectify any unlawful connection, works, material, acts or behaviour.
- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:
- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
  - (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

#### **9. OBSERVING FUNDAMENTAL RIGHTS**

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

#### **10. NON LIABILITY OF THE MUNICIPALITY**

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature how so ever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in terms of any matter regarding this by-law.

## **11. CODE OF ETHICS**

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- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.
  
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

## **12. AUTHENTICATION OF DOCUMENTS**

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Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

## **13. PRIMA FACIE EVIDENCE**

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In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Council, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

#### **14. PROVISION OF INFORMATION**

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An owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Council for the implementation or enforcement of this by-law.

#### **15. FALSE STATEMENTS OR INFORMATION**

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No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law.

#### **16. OFFENCES**

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- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
  - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
  - (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
  - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
  - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
  - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;

- (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
  - (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
  - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
  - (j) fail to comply with any lawful instruction given in terms of this by-law;  
or
  - (k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

## **17. PENALTY**

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A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

## **18. AVAILABILITY OF BY-LAW**

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A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

**19. REGULAR REVIEW PROCESSES**

The Credit Control and Debt Collection By Law must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the IDP and with legislation.

**20. SHORT TITLE**

This By-Law is the Credit Control and Debt Collection By-Law of the Lekwa Local Municipality.

**21. ENFORCEMENT/IMPLEMENTATION**

This By-Law has been approved by the Municipality in terms of resolution A57 dated 30 June 2021 and comes into effect from 1 July 2021







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