



**NORTH WEST
NOORDWES**

EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

Vol. 259

MAHIKENG
5 JULY 2016
5 JULIE 2016

No. 7666

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above. Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 109 OF 2016

Ramotshere Moiloa Local Municipality

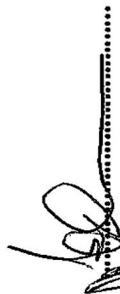
Notice of levying rate

Notice is hereby given in terms of Section 14 (2) of Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) that Ramotshere Moiloa Local Municipality resolved to levy the following rates and tariffs as captured.

RAMOTSHERE - MOILOA LOCAL MUNICIPALITY - "NW385"										
APPROVED TARIFF STRUCTURE - PROPERTY RATES										
2016/17 FINANCIAL YEAR										
PROPERTY RATES	CATEGORY OF PROPERTY									
	Residential/ Domestic	Business/ Commercial	Industrial /Bulk	Agricultural	Institutional	State Owned Property	Public Service Infra	Special Category		
Basic Charge - (in the Rand value) All areas	0,01500	0,03000	0,03000	0,00375	0,01500	0,00375	0,00375	0,00375		
Groot Marico	0,01000	0,02000	0,02000	0,00250	0,01000	0,00250	0,00250	0,00250		10%
Rebates - %										
Agricultural (50% rates policy + 15% drought relief)				65%						
Retired and disabled persons on residential properties										
Owner with income less than R5000 per month(excluding indigents)	50%									
Owner with income between R5001 and R10 000	40%									
Exemptions										
as contemplated in paragraph 10 (1) and (2) of the Municipal Property Rates Policy										30%
Reductions										
Municipal Property Rates Act 2004	R15 000									
% Discount - full settlement of rates before 30 September each year	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
CONSUMER DEPOSITS - (Rand value)	R 2 500	R 12 500	R 30 000	R	R 30 000	R 30 000	R 10 000	R 5 000		

Copies of levying rates and tariffs are available on:

- Corner Coetzee & President Street, Zeerust; Lehurutshe Civic Centre; Corner Boerboon Street, Groot Marico & 367 Merementsi Street, Ikageleng .
- Enquiries can be directed to: Mr.M.Lekaba (018 642 1081) during office hours



Mr T.Phakalane

Municipal Manager

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

Approved per Council Resolution No:
01/05/2016

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW



CREDIT CONTROL & DEBT COLLECTION BY-LAW

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016



- (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 Ramotshere Moiloa 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.

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

THE RAMOTSHERE MOILOA

LOCAL MUNICIPALITY:

CREDIT CONTROL & DEBT COLLECTION BY-LAW

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RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

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1. DEFINITIONS

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

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 in detail deals with and regulates the matters as prescribed in the provisions of sections 97 and 98(2) of the Systems Act and therefore it is not necessary for this by-law to restate and repeat same. 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.

3. OBJECTIVE OF THE BY-LAW

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

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

- (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

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

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

The Municipality shall enforce compliance with this by-law.

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

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

- (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:

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

- (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 howsoever 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

- (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

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

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

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 dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, 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

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 Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

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

- (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

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

31 MAY 2016

- (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

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

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.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE

RAMOTSHERE MOILOA LOCAL MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government:Municipal Systems Act,2000(Act 32 of 2000),read with section 6 of the Local Government:Municipal Property Rates Act,2004(Act 6 of 2004)that Council adopted the Property Rates By-laws as set out hereunder.

T.PHAKALANE

MUNICIPAL MANAGER

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

**PREAMBLE**

- (1) The Constitution of the Republic of South Africa, 1996, and the Local Government: Municipal Property Rates Act, Act 6 of 2004 (hereinafter referred to as “the MPRA”), empowers the Ramotshere Moiloa Local Municipality (hereinafter referred to as “the Municipality”) to impose rates on property.
- (2) In terms of section 4(1)(c) of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereafter “the Systems Act”), the Municipality may, inter alia, levy rates on property to finance operational expenditure of the Municipality.
- (3) In terms of section 62(1)(f)(ii) 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 rates policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 6(1) of the MPRA.
- (4) The Municipality has adopted a rates policy and accordingly this by-law is adopted in order to give effect to the implementation of the Rates Policy of the Municipality as envisaged in terms of the provisions of section 6(1) of the MPRA.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

THE RAMOTSHERE MOILOA

LOCAL MUNICIPALITY:

RATES BY-LAW

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RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

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RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

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1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Rates 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 MPRA 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 RATES POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Rates Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 3(1) of the MPRA. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 3(3), 3(4), 3(5) and 6(2) of the MPRA and therefore it is not necessary for this by-law to restate and repeat same. 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 6(1) of the MPRA.

3. OBJECTIVE OF THE BY-LAW

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

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 6(1) of the MPRA.

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Rates 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

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

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

The Municipality shall enforce compliance with this by-law.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016**8. POWERS OF THE MUNICIPALITY IN TERMS OF THE MPRA OR THIS BY-LAW**

- (1) Where the Municipality executes any actions or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the MPRA 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.

RMLM RATES BY-LAWApproved per Council
Resolution No: 01/05/2016

- (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 howsoever 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 respect of any matter in terms of this by-law.

11. CODE OF ETHICS

- (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.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

- (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 rate payers, 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

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

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 dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, 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

A rate payer, owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2016

by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

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

- (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;

RMLM RATES BY-LAWApproved per Council
Resolution No: 01/05/2016

- (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

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

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.

RMLM TARIFF BY-LAW

Approved per Council
Resolution No: 01/05/2016

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE

RMLM TARIFF BY-LAW



TARIFF BY-LAW

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Resolution No: 01/05/2016



PREAMBLE

- (1) In terms of the provisions of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as “the Constitution”), and section 75A(1) of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereinafter referred to as “the Systems Act”), the Ramotshere Moiloa Local Municipality (hereinafter referred to as “the Municipality”), is entitled to levy and recover fees, charges or tariffs in respect of any function or service of the Municipality.
- (2) In terms of the provisions of section 74(1) of the Systems Act and the provisions of section 62(1)(f)(i) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (hereinafter referred to as “the MFMA”), the Municipality has adopted a Tariff Policy on the levying of fees, charges or tariffs on municipal services provided by the Municipality itself or by way of service delivery agreements.
- (3) This Tariff Policy adopted by the Municipality reflects the principles referred to in terms of the provisions of section 74(2) of the Systems Act and addresses the matter referred to in terms of the provisions of section 74(3) of the same Act, as well as a schedule containing the municipal tariffs of the Municipality pertaining to the municipal services as set out in the Tariff Policy (also referred to as the “Tariff Schedule”).
- (4) The municipal tariffs as set out in the Tariff Schedule of municipal tariffs annexed to the tariff policy must undergo annual revision and must be tabled

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together with the Multi-Year Annual Tabled Budget to the council of the Municipality for consideration and approval thereof, subject to public participation and comments obtained annually before the 31st of March of each year in terms of the provisions of section 17(3)(a)(ii) read with the provisions of section 22 of the MFMA.

- (5) The adopted municipal tariffs apply to the Multi-Year Annual Budget in respect of a specific year during which the income is based on such adopted municipal tariffs, read with the general tariff principles contained in the tariff policy.
- (6) The Municipality adopted a Tariff Policy and a Tariff Schedule as referred to above and this by-law is adopted by the Municipality in terms of the provisions of section 75(1) of the Systems Act in order to give effect to the implementation and enforcement of the Tariff Policy.

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THE RAMOTSHERE MOILOA LOCAL MUNICIPALITY: TARIFF BY-LAW

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1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Tariff 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 TARIFF POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Tariff Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 74(1) of the Systems Act. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 74(2), 74(3) and 75(2) of the Systems Act and therefore it is not necessary for this by-law to restate and repeat same. 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 75(1) of the Systems Act.

3. OBJECTIVE OF THE BY-LAW

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 75(1) of the Systems Act.

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4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Tariff 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

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

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

The Municipality shall enforce compliance with this by-law.

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

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:

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- (1) access any premises and/or execute work on and/or inspect any premises;
- (2) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
- (3) question a person whom the Municipality believes may have information relevant to the work or inspection;
- (4) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
- (5) copy any document referred to in sub-section (4) above, or if necessary remove the document in order to copy it;
- (6) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
- (7) 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.

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.

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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 howsoever 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 respect of any matter in terms of this by-law.

11. CODE OF ETHICS

- (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 rate payers, 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

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 dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, 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

A rate payer, 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 Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

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

- (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;

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- (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

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

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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

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.

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