



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu  
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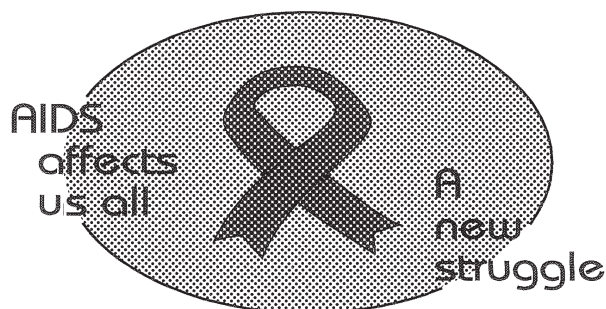
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16 MARCH 2016  
16 MAART 2016  
16 NYENYANKULU 2016  
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No. 2688

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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](http://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



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](mailto: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.



eGazette



**CONTENTS**

*Gazette*    *Page*  
*No.*        *No.*

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

24	Local Government: Municipal Systems Act (32/2000): Credit Control and Debt Collection By-law .....	2688	4
25	Local Government: Municipal Systems Act (32/2000): Tariff By-law .....	2688	12
26	Local Government: Municipal Systems Act (32/2000): Property Rates By-law .....	2688	18

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 24 OF 2016

# LEPHALALE LOCAL MUNICIPALITY



## CREDIT CONTROL AND DEBT COLLECTION BY-LAW



The Municipal Manager of Lephalale Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes the Lephalale Local Municipality Credit Control and Debt Collection By-Law as approved by its Council, as set out hereunder

## **PREAMBLE**

**WHEREAS** section 156(2) of the Constitution authorizes a municipality to make and administer by-laws;

**WHEREAS** sections 96 of the Local Government: Municipal Systems Act provides that a municipality must collect all money due to it and adopt, maintain and implement a credit control and debt collection policy for this purpose;

**AND WHEREAS** section 98 of the Local Government: Municipal Systems Act provides that a municipality must adopt by-laws to give effect to the implementation and enforcement of its credit control and debt collection policy; and

**NOW THEREFORE** be it enacted by the Council of Lephalale Local Municipality as follows:

## **TABLE OF CONTENTS**

1. Definitions
2. Purpose
3. Application for supply of municipal services and service agreements
4. Deposits
5. Accounts
6. Payments for municipal services provided
7. Interests on overdue municipal accounts
8. Termination of service agreement
9. Queries or complaints in respect of accounts
10. Appeals against findings of municipality in respect of queries or complaints
11. Offences and penalties
12. Repeal
13. Short title and commencement

### **1. Definitions**

In this By-laws, unless the context otherwise indicates-

**“account”** means any account or accounts rendered for municipal services that have been provided;

**“agreement”** means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality’s approval of a written application for municipal services;

**“arrears”** means any amount that is due, owing and payable by a customer in respect of a municipal service that has not been paid on or before the due date;

**“customer”** means any occupier of any premises to which Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the municipality;

**“due date”** means the date on which an amount payable in respect of an account becomes due;

**“Credit control and debt collection policy”** means a credit control and debt collection policy adopted by the Municipality;

**“Municipality”** means Lephalale Local Municipality;

**“municipal services”** means services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above; and

**“the Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

## **2. Purpose**

- (1) The purpose of this by-law is to give effect to the implementation and enforcement of the Credit Control and Debt Collection Policy as contemplated in section 98 of the Act.

## **3. Application for supply of municipal services and service agreements**

- (1) Any application for any supply of services to any premises must be made at the municipal offices.
- (2) The owner of a property, duly authorized agent or consumer shall apply for municipal services to be supplied to a property.
- (3) No services shall be supplied unless and until an application has been made and a service agreement in the format prescribed by the municipality has been entered into and a deposit has been paid.

- (4) An application for a supply for a period of less than one year is regarded as an application for a temporary supply.

#### **4. Deposits**

- (1) On approval of the application and before the service is made available, the municipality may require the applicant-
  - (a) to make a deposit for municipal services with the municipality;
  - (b) to provide any other form of security; or
  - (c) to agree to special conditions regarding payment of the municipal account and monies so deposited with the municipality serve as security and working capital.
- (2) A municipal council may require the applicant to pay a deposit that has been determined by it and may determine that different deposits be paid by different categories of customers, users of services and debtors as well as for different services and standards of service.
- (3) The municipal council may specify acceptable forms of deposits, which may include:
  - (a) cash;
  - (b) bank guaranteed cheques; and
  - (c) bank guarantees.
- (4) A deposit determined by the Municipal Council must be paid by a customer when applying for a municipal service and no service will be rendered until it has been paid.
- (5) No interest shall be payable by the municipality on any deposit, or part of a deposit, held by it.
- (6) The municipality may annually review a deposit to be paid.
- (7) On termination of the supply of services, the amount of such deposit, as determined by the municipality, less any payments due to the municipality, must be refunded to an account holder.

## **5. Accounts**

- (1) Accounts must be rendered monthly to consumers at the customer's last recorded address.
- (2) Failure by the applicant to receive or accept an account does not relieve him or her of the obligation to pay any amount that may be due and payable.
- (3) Accounts must be paid not later than the last date for payment specified in it.
- (4) Accounts for municipal services must—
  - (a) reflect at least the—
    - (i) services rendered;
    - (ii) consumption of metered services or the average, shared or estimated consumption;
    - (iii) period addressed in the account;
    - (iv) applicable charges;
    - (v) subsidies;
    - (vi) amount due (excluding the value added tax payable);
    - (vii) value added tax;
    - (viii) adjustment, if any, to metered consumption which has been previously estimated;
    - (ix) arrears;
    - (x) interest payable on any arrears;
    - (xi) final date for payment; and
    - (xii) methods, places and approved agents where payment may be made.
- (5) The owner of the property may enter into an agreement with the municipality in terms of which payment of rates is made annually, in which case payment must be made on or before the date determined by the municipality.



## **6. Payments for municipal services provided**

- (1) Any person or customer who enters into agreement with the municipality for services to be rendered to him or her is responsible for the payment of all municipal services rendered from the commencement date of the agreement until the account has been paid in full and the municipality shall be entitled to recover all payments due to it.
- (2) Payments must be received on or before the close of business on the due date.
- (3) A consumer who cannot pay the municipal account may enter into an agreement with the municipality to pay the account over an extended period of time.
- (4) In the event of an agreement being made, the consumer must-
  - (a) sign an acknowledgement of debt;
  - (b) acknowledge that interest will be charged at the prescribed rate;
  - (c) acknowledge that if the arrangements being negotiated later are defaulted, services shall be disconnected and legal proceedings shall be taken against the consumer; and
  - (d) acknowledge liability for all legal costs which shall be incurred.
- (5) Where any payment made to the municipality by negotiable instrument is later dishonoured by the bank, the municipality shall debit the customer's account with the bank charges incurred in respect of dishonoured negotiable instruments and shall regard such an event as default on payment.

## **7. Interests on overdue municipal accounts**

- (1) The municipality may, charge or recover interests at a determined interest rate in respect of any arrear amounts due and payable to the municipality.
- (2) Interest is calculated monthly according to the interest rate approved by the municipality; and a portion of a month is regarded as a month.
- (3) Interest is payable if payment is not received by the municipality or to the credit of the bank account of the municipality at the close of business on the due date.

**8. Termination of service agreement**

- (1) Termination of the service agreement must be in writing.
- (2) Where a property has been sold, the owner may terminate a service agreement by giving the municipality not less than four working days.
- (3) The municipality may, by notice in writing, advise an account holder of the termination of an agreement for the supply of municipal services if:
  - (a) the account holder has not consumed any services during the preceding six months, or has vacated the property and not made satisfactory arrangements for the continuation of the agreement; or
  - (b) the account holder has committed a breach of the municipal policy or by-law and has failed to rectify such breach.

**9. Queries or complaints in respect of accounts**

- (1) A customer may lodge a query, complaint or objection relating to the accuracy of any amount stated to be due and payable for a specific municipal service in an account that has been rendered.
- (2) A query, complaint or objection must be lodged with the municipality in writing before the due date of payment of the account.
- (3) The municipality must assist an illiterate or similarly disadvantaged customer in lodging a query, complaint or objection and must take reasonable steps to ensure that it is reflected correctly in writing.
- (4) A query, complaint or objection must be accompanied by a payment calculated by taking the average consumption by the customer of the service and subtracting the amount that has been questioned, complained about or objected to.
- (5) The municipality must record the query, complaint or objection and provide the customer with a reference number to identify where it has been recorded.
- (6) The municipality—
  - (a) shall investigate or cause the query, complaint or objection to be investigated; and
  - (b) must inform the customer, in writing, of its findings within 30 (thirty) days after the query, complaint or objection was registered.

**10. Appeals against findings of municipality in respect of queries or complaints**

- (1) A customer may appeal in writing against a finding of the municipality.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the municipal manager within 21 (twenty-one) days after the customer became aware of the findings and must set out the reasons for the appeal.
- (3) An appeal must be decided by the municipality within 21 (twenty-one) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as is reasonably possible, afterwards.

**11. Offences and penalties**

- (1) Any person who contravenes or cause or permits a contravention of any provision of this by-law, shall upon conviction if found guilty of an offence, be liable on conviction to a fine or, imprisonment.

**12. Repeal**

- (1) Lephalale Local Municipality Customer Care and Revenue Management by-law as published in the Limpopo provincial gazette number 1951 local authority notice 221 dated 05 July 2011 and any other by-law applicable to the municipality dealing with Credit Control and debt collection relations are hereby repealed.

**13. Short title and commencement**

- (1) This By-law is called the Lephalale Local Municipality Credit Control and Debt Collection By-Law, and it shall come into effect on the date of publication in the *provincial gazette*.

PROVINCIAL NOTICE 25 OF 2016

# LEPHALALE LOCAL MUNICIPALITY



## TARIFF BY-LAW

The Municipal Manager of Lephalale Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the tariff by-law for the municipality as approved by its council, as set out hereunder.

#### **PREAMBLE**

**WHEREAS** section 75A of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount;

**WHEREAS** section 74(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides that a municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality or by way of service delivery agreements which complies with the provisions of the Local Government: Municipal Systems Act, 2000, the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation;

**WHEREAS** section 75(1) of the Local Government: Systems Act, 2000 (Act 32 of 2000) a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy;

**WHEREAS** section 75(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides that by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;

**NOW THEREFORE** be it enacted by the Council of Lephalale Local Municipality of as follows:

#### **TABLE OF CONTENTS**

1. Definitions
2. Purpose
3. Categories of services
4. Categories of users
5. Services
6. Funded municipal services
7. Adjustment of tariffs



8. Indigent households
9. Repeal
10. Short title

## 1. Definitions

In this by-laws, unless the context otherwise indicates-

**“Municipality”** means Lephalale Local Municipality;

**“Tariffs”** means fees, charges, or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government : Property Rates Act, 2004 (Act 6 of 2004);

**“tariff policy”** means a tariff policy adopted by the Municipality in terms of section 74 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and

**“the act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

## 2. Purpose

- (1) The purposes of this by-law is to give effect to the implementation and enforcement of the tariff policy of the municipality as outlined in section 75 of the act.

## 3. Categories of services

- (1) The municipality has the following categories of services:
  - (a) water;
  - (b) sanitation;
  - (c) refuse removal;
  - (d) electricity; and
  - (e) any other services that the municipality supply.

**4. Categories of users**

- (1) The following are categories of users:
  - (a) residential property,
  - (b) business, commercial and industrial property,
  - (c) agricultural property,
  - (d) government property,
  - (e) public service infrastructure,
  - (f) public benefit organisation property,
  - (g) mining property,
  - (h) rural communal land or state owned property,
  - (i) municipal property,
  - (j) places of public worship,
  - (k) vacant land, and
  - (l) other properties.

**5. Services**

- (1) Where a service is provided primarily for the benefit of an individual user and the actual service or consumption can be accurately measured, the cost of providing the service should be recovered from the individual by means of tariffs.
- (2) When a service connection is made, a sundry tariff should be used and when a metered amount of service is consumed, a consumption based tariff should be used.
- (3) Some services, although provided primarily for the benefit of individual users and have important community benefits, particularly where these services cannot be accurately measured, the cost of the service should be recovered by combination of tariffs and rates.

- (4) Where service is provided primarily for the benefit of the community and an individual's benefit cannot be accurately measured, the cost of providing the service should be recovered by means of rates and the rates must comply with the municipal rates policy.

#### **6. Funded municipal services**

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

#### **7. Adjustment of tariffs**

- (1) Municipal tariffs shall be adjusted by the council from time to time after having followed all necessary procedures.

#### **8. Indigent households**

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

- (4) A user shall qualify for the benefits of a poor household with Council in terms of its indigent policy only if such user has applied to be registered as a poor household and has provided such information as the Council may require from such user.

**9. Repeal**

- (1) Lephalale Local Municipality Customer Care and Revenue Management by-law as published in the Limpopo provincial gazette number 1951 local authority notice 221 dated 05 July 2011 and any other by-law applicable to the municipality dealing with tariffs are hereby repealed.

**10. Short title**

This by-law is called Lephalale Local Municipality Tariff by-law, and shall come into effect on the date of publication in the *provincial gazette*.

PROVINCIAL NOTICE 26 OF 2016

# LEPHALALE LOCAL MUNICIPALITY



## PROPERTY RATES BY-LAW



The Municipal Manager of Lephalale Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes the Lephalale Local Municipality Property Rates By-Law as approved by its Council, as 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;

**WHEREAS** section 13 of the Local Government: Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

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

**NOW THEREFORE BE IT ENACTED** by the Council of the Lephalale Municipality, as follows:

## **Table of contents**

1. Definitions
2. Purpose
3. Categories of properties for different rating purposes
4. Categories of owners of properties
5. Exemptions, reductions and rebates
6. Relief measures for property owners
7. Liability for rates
8. Recovery for rates
9. Offences and penalties
10. Repeal
11. Short title and commencement

## **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 Lephalale Local Municipality;

**"Rates policy"** means the policy on the levying of rates on ratable properties of the Lephalale Local Municipality as contemplated in chapter 2 of the Act; and

**"the act"** means Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

## **2. Purpose**

- (1) The purpose of this by-law is to give effect to the implementation of the rates policy as contemplated in section 6 of the act.

## **3. Categories of properties for different rating purpose**

- (1) The following are determined categories of properties for different rating purposes by the municipality:
  - (a) residential properties;
  - (b) business properties;
  - (c) industrial properties;
  - (d) government properties;
  - (e) vacant land;
  - (f) agricultural properties;
  - (g) municipal properties;
  - (h) mining;
  - (i) communal land;
  - (j) public service infrastructure;
  - (k) state trust land; and
  - (l) any other properties outlined by the municipality in its rates policy or in the act.

**4. Categories of owners of properties**

- (1) Categories of owners of properties liable for payment of rates are:
  - (a) indigents;
  - (b) pensioners;
  - (c) owners temporarily without income;
  - (d) owners of residential properties;
  - (e) land reform beneficiaries;
  - (f) sporting bodies;
  - (g) formal and informal settlements;
  - (h) public benefit organisations; and
  - (i) any other owners of properties outlined in the rates policy, this by-law and section 8(2) of the act.

**5. Exemptions, reductions and rebates**

- (1) The municipality shall in terms of the criteria set out in its rates policy and section 15 of the act:
  - (a) exempt specific category of owners of properties from payment of rates levied on their property; and
  - (b) grant to a specific category of owners of properties a rebate or reduction in the rates payable for their properties.

**6. Relief measures for property owners**

- (1) The municipal council shall consider the need and desire to grant relief to a specific category of owners of properties and owners of a specific category of properties as set out in its rates policy.
- (2) The municipality will not grant relief in respect of the payment of rates other than by way of an exemption, rebate or reduction provided for in this by-law, rates policy and section 15 of the Act to:
  - (a) a specified category of properties; or
  - (b) a specified category of owners of property.

**7. Liability for rates**

- (1) The levying of rates on property will be effected in terms of the municipality's rates policy as amended from time to time and chapter 3 of the act.

**8. Recovery for rates**

- (1) Recovery for rates due to the municipality shall be in accordance with the credit control and debt collection policy and by-law of the municipality.

**9. Offences and penalties**

- (1) Any person who contravenes or cause or permits a contravention of any provision of this by-law, shall upon conviction if found guilty of an offence, be liable on conviction to a fine or imprisonment.

**10. Repeal**

- (1) Lephalale Local Municipality Customer Care and Revenue Management by-law as published in the Limpopo provincial gazette number 1951 local authority notice 221 dated 05 July 2011 and any other by-law applicable to the municipality dealing with property rates are hereby repealed.

**11. Short title and commencement**

- (1) This By-law is called the Lephalale Local Municipality Property Rates By-Law, and it shall come into effect on the date of publication in the *provincial gazette*.





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